

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

PLANNING & ZONING AND  
REGULAR SESSION  
AUGUST 25, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, August 25, 2022, at 7:45 p.m., with eleven members present on-site: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Brett Deichler, Interim Assistant County Administrator; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Gunnar Hand, Director of Planning & Urban Design; Ashley Hand, Director of Strategic Communication; Katherine Carttar, Director of Economic Development; Wilba Miller, Director of Community Development; Kathleen VonAchen, Chief Financial Officer; Monica Sparks, Acting Unified Government Clerk, and Tifani Portley, UG Clerk's Office.

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

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

I will now call this meeting to order. Clerk, roll call, please.

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

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

**Mayor Garner** said there are some revisions on the agenda. I'll ask the Clerk to read those revisions on tonight's agenda.

**Monica Sparks, Acting UG Clerk,** said we have one revision to tonight's agenda. We have a new item under the Mayor's Agenda – Item No. 2 is a presentation on statistical analysis by Geoff Vandeusen.

**Mayor Garner** said tonight, we have two distinct parts to our meeting. The first part is going to be the Planning & Zoning portion, which will immediately be followed by the Regular Commission meeting.

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

**Mayor Garner** said I'll ask the Clerk to read the statement, required by state law, governing the Planning & Zoning portion of tonight's meeting, followed by the items on the Planning & Zoning Consent Agenda.

**Monica Sparks, Acting UG Clerk,** read the statement, required by state law, governing the Planning & Zoning portion of the meeting.

**Ms. Sparks** asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? (There were no disclosures.)

**Ms. Sparks** read the items on the Consent Agenda.

**Mayor Garner** asked, do any members of the Commission, the County Administrator, or the public wish to set aside any item on the Planning & Zoning Consent Agenda? **Gunnar Hand, Director of Planning & Urban Design,** said staff would like to set aside Change of Zone 2022-022. **Brian Glasser, Managing Member for AKCO Investments,** said Special Use Permit 2022-067. I am requesting that be moved to the Non-Consent Agenda so that I can request that staff condition No. 10 be removed as a requirement.

**Mayor Garner** asked, anyone else? If an item is not set aside, all items on the Planning & Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

I'll ask if anyone in attendance would like to set aside an item. If so, please state your name and city for the record and the agenda item to be set aside. Is there anyone else?

**Action:** Commissioner Markley made a motion, seconded by Commissioner Ramirez, to approve the items on the Planning & Zoning Consent Agenda, excluding the two set asides.

**Mayor Garner** asked, Clerk, is there anyone joining us virtually with their hand raised that would like to set aside an item? **Ms. Sparks** said there are no hands raised.

**Mayor Garner** said I'm entertaining the motions that have been presented for approval of the Planning & Zoning Consent Agenda, excluding those set aside requested items. There is a motion and a second for approval. Roll call, please.

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

## **CHANGE OF ZONE APPLICATIONS**

### **Item No. 1 – 211888...CHANGE OF ZONE APPLICATION COZ2022-022 - ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING**

**Synopsis:** Change of Zone from R-1 Single Family District to R-2 Two Family District to construct a duplex at 4744 Georgia Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Andrea Weishaubt, is requesting a Change of Zone from R-1 Single Family District to R-2 Two-Family District for the subject property at 4744 Georgia Avenue. The Change of Zone has been requested so that the applicant can construct a new duplex residence. The property had a prior single-family residence however that property was demolished in 2018 after a fire. The Change of Zone has been requested so that the Applicant can construct a new duplex home. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2022-022, subject to:

- 1) 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;

- 2) The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto: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) Per Section 27-609(2)a., the exterior walls of accessory structures shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
- 4) A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 5) 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; and
- 6) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

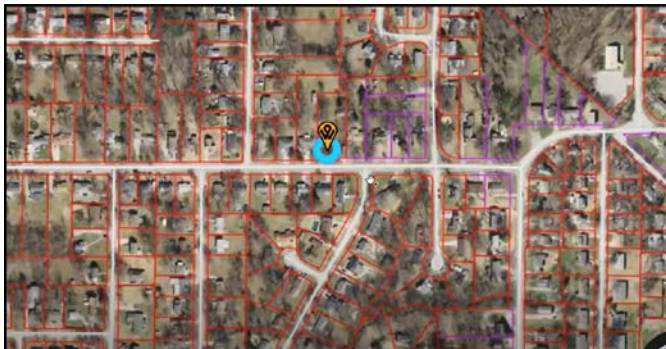
**Mayor Garner** said I'll ask staff to make some opening remarks.

| Case                                                                                                                                                                                                                                                                                                           |                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| COZ2022-022                                                                                                                                                                                                                                                                                                    |                                                   |
| Petitioner                                                                                                                                                                                                                                                                                                     | Address                                           |
| Andrea Weishaubt DBA Atlas Land Consulting, LLC                                                                                                                                                                                                                                                                | 4744 Georgia Avenue<br>Kansas City, Kansas, 66109 |
| Synopsis                                                                                                                                                                                                                                                                                                       |                                                   |
| To rezone from R-1 Single Family District to R-2 Two-Family District for the subject property. The Change of Zone has been requested so that the applicant can construct a new duplex residence. The property had a prior single-family residence, however, that property was demolished in 2018 after a fire. |                                                   |

**Gunnar Hand, Director of Planning & Urban Design**, said this case is requesting a change of zone from R-1 to R-2. Staff would like to make a correction so that we add the plan district designation to this request. Essentially, it's a former single-family home site



that has been demolished due to some fire damage a few years ago. Instead of rebuilding a single-family home, the applicant is asking to build a duplex.



There are a couple of duplexes to the west of the property currently zoned R-2.



It's adjacent to a single-family home across the street and directly adjacent to the east. A planned district will provide additional opportunities for staff to review that project and make sure it's in compliance with the neighborhood character.

This is in the City-Wide Master Plan area in the Northtown area. We received one letter of support, no letters of opposition.

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**Commissioner Bynum** said I think I understand. We can add the planned district to the wording tonight and pass the change of zone, but there's another step for the applicant yet. **Mr. Hand** said that's correct, Commissioner.

**Commissioner Ramirez** asked, is the applicant—I'm sure you've made the applicant aware that you're adding this stipulation or this wording? **Mr. Hand** said that's correct. Staff let them know. The truth is, it was originally approved as a—or was originally submitted and filed as a Plan RP-2 Planned District, but it didn't make it into the staff report during Planning Commission, so it was just an oversight by staff so we're trying to re-enter it.

**Action:** **Commissioner Bynum made a motion, seconded by Commissioner Townsend, to approve Change of Zone Application COZ2022-022 with the added planned district, subject to the stipulations.**

**Mayor Garner** said I'll ask the applicant or representative to present their application. Present? Okay.

**Mayor Garner** said I will now open the public hearing and ask the Clerk if she received any direct notification 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 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.

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

**Mayor Garner** asked, Clerk, is there any direct notifications from the public who wish to express their opposition to this item? **Ms. Sparks** said none were received.

**Mayor Garner** asked, is there anyone present here today who would like to speak in opposition of this item?

Is there anyone joining us virtually who would like to speak in opposition of this item? **Ms. Sparks** said no hands are raised.

**Mayor Garner** said I will now close the public hearing. Again, for the petitioner, would you like to make any remarks? **Mr. Hand** said, Mr. Mayor, I do actually see Mr. Austin Thompson who's the applicant's representative. I don't know if he wanted to say anything. He's online.

**Austin Thompson, Atlas Land Consulting, 2300 Hutton Road, Suite 109**, said I just wanted to jump in real quick and say we agree with everything that Mr. Hand had mentioned earlier. We're in support that you guys are in support of our project. We look forward to continuing with this project moving forward.

**Mayor Garner** asked, was that the end of your comments? I'm going to assume that is.

**Mayor Garner** asked, do any members of the Commission have any questions or comments? We have a motion and a second. Is there any further discussion on this matter? Seeing none, roll call, please.

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

**Item No. 2 – 211890...CHANGE OF ZONE APPLICATION COZ2022-023 - CURTIS PETERSEN WITH POLSINELLI PC**

**Synopsis:** Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District to construct Endless Outdoors Nature Experience at 2640 Woodend Lane,  
and

**Item No. 4 – 211893...SPECIAL USE PERMIT APPLICATION SP2022-073 - CURTIS PETERSEN WITH POLINSELLI PC**

**Synopsis:** Special Use Permit to develop and operate a youth outdoor nature experience facility with trails, camping, and shelters at 2640 Woodend Lane,  
and

**Item No. 1 – 211897...MASTER PLAN AMENDMENT APPLICATION MPL2022-014 - CURTIS PETERSEN WITH POLSINELLI PC**

**Synopsis:** Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Rural Density Residential (City Wide Master Plan) at 2640 Woodend Lane,  
and



**Item No. 1 – 211896...PLAN REVIEW APPLICATION PR2022-024 - CURTIS PETERSEN WITH POLSINELLI PC**

**Synopsis:** Preliminary and Final Plan Review for Endless Outdoors Nature Experience at 2640 Woodend Lane, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Curtis Petersen with Polsinelli PC, requests to rezone the property from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, amend the City-Wide Master Plan from Low Density Residential to Rural Density Residential, obtain a Special Use Permit for a private facility for recreation, a Preliminary and Final Plat to create one (1) lot and a Preliminary and Final Development Plan to build nature trails, walks, a Welcome Center and ancillary buildings throughout the parcel associated with the development and maintenance of the property located on 26.46 acres at 2640 Woodend Lane. The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment MPL2022-014, Change of Zone Application COZ2022-023, Special Use Permit Application SP2022-073 and Preliminary and Final Plan Review PR2022-024, subject to:

1. When the mylars are submitted to Planning Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the Register of Deeds; and,
  - b. \$7.00 per lot payable to the Unified Treasurer;
2. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time;
3. Cottonwood Creek must be preserved and may not be altered;
4. Hours of operation will be seasonal, generally from dawn to dusk;
5. Space for private events (hosting) is not permitted. A Special Use Permit for an event space is required at such time;
6. The Welcome Center and pavilions shall be constructed in manner that is harmonious with the wooded, rural-like character of the property and use complementary materials;
7. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org. a. Shall comply with the International Building Code;
8. Following municipal trash service curbside pick-up, trash bins shall be kept in the building or within a screened enclosure and hidden from public view;
9. A Knox Box shall be installed to provide emergency access to the site;
10. The residences south, west, and north of the parking loop must be screened from headlights shining onto their property from vehicles maneuvering in the parking lot;
11. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area;
12. After the temporary irrigation is removed to establish groundcover and proposed trees, a watering plan needs to be provided during building permitting/DRC to ensure the trees and shrubs continue to grow;
13. All shade trees shall be at least two (2) inch caliper. 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 any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
16. Utility conduits and connections must be painted to match the building(s);
17. 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;
18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. They are located at 4953 State Avenue, Kansas City, KS 66102. Their number is (913) 573-8780;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
22. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
24. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
25. 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;

26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design 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 Kane made a motion, seconded by Commissioner Ramirez, to approve Master Plan Amendment MPL2022-014, Change of Zone Application COZ2022-023, Special Use Permit Application SP2022-073, and Preliminary and Final Plan Review PR2022-024, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

## **SPECIAL USE PERMIT APPLICATIONS**

### **Item No. 1 – 211891...SPECIAL USE PERMIT APPLICATION SP2022-037 - DANIEL JANSSEN WITH ME AND MY UNCLE, LLC**

**Synopsis:** Special Use Permit for storage for landscaping business inside a 2,000 square foot outbuilding at 230 South 65<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Dan Janssen with My Uncle and Me, LLC, is requesting a Special Use Permit for temporary use of a property for commercial or industrial use in order to store landscaping material as an accessory use to the subject property's primary use, a skate park and skate school. The landscaping materials will be stored outside at the subject property. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-037, for one (1) year, subject to:

1. Per Section 27-467(c)(6), the allowed outside storage or keeping is limited to parts, equipment, inoperable vehicles or for residual materials which is necessary, normally related and accessory to the principal use of the premises is allowed. As landscaping materials are not normally related to a skate park, and as the applicant has stated that the storage area is leased by a party

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separate from the owner of the skate park business, such storage does not satisfy Section 27-467(c)(6) and is therefore not an allowed accessory uses. The use of the subject property for storage of landscaping materials may continue only under a Special Use Permit for temporary use of land for commercial or industrial use, per Section 27-593(a)(28). A Special Use Permit under Section 27-593(a)(28) shall not be approved for more than two (2) years, and such a Special Use Permit cannot be renewed or reapplied for. Upon the date of expiration or revocation of any approved Section 27-593(a)(28) Special Use Permit, all equipment or material stored under said Special Use Permit must be removed from the premises;

2. The driveway and parking lot must be repaired and/or repaved to UG standards;
3. The area of the subject property used for landscaping material storage may not expand beyond the current boundaries of use;
4. The diesel tank located within the outdoor storage area must be removed by August 17, 2022;
5. All vehicles, such as pickups trucks and snowplows, must be stored within the accessory building (garage) located within the boundaries of the landscaping materials storage area;
6. Per the submitted site/parking plan, ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
7. Per Section 27-702(1)(a-d), shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
8. After the allowed term of the Special Use Permit has expired, the subject property will be better suited to comply with Section 27-575(e)(1) and therefore striped parking must be relocated to the side and rear of the primary building, in the area currently used for landscaping materials storage;
9. Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
10. Any expansion of buildings, structures, or uses in a manner that cannot be properly screened from the adjacent residential properties by the landscaping—to be installed as per the submitted site plan—will require an expansion of the landscape buffering, per Section 27-577(c)(4);
11. Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan;
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
13. A retroactive building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
14. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
15. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676].

Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;

16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance, and shall not be renewed or reapplied for; and,
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Action:**            **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-037, for one year, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 2 – 211892...SPECIAL USE PERMIT APPLICATION SP2022-067 - BRIAN GLASSER WITH AKCO INVESTMENTS, LLC**

**Synopsis:** Special Use Permit to operate a short-term rental at 733 Ohio Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Brian Glasser, is seeking approval to operate a short-term rental at 733 Ohio Avenue. The subject property is in the Strawberry Hill neighborhood. The applicant purchased the property within the last year and has completed some renovations as it was a distressed property. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-067, for one (1) year, subject to:

- 1) Applicant must return and apply for a variance from the Board of Zoning Appeals for a reduction in the required rear yard percentage;
- 2) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval.

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

- 3) Maximum number of guests shall be six (6);
- 4) All parking must be off-street, maximum number of vehicles is two (2);
- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) Applicant is to maintain liability insurance;
- 8) The property must remain in proper main entrance and free of hazards, pests, or infestations;
- 9) The following repairs must be made as a result of the home inspection:
  - a) Any mold found on the air ducts in the basement shall be remedied
  - b) Repair the T&P Valve on the Hot Water Heater
  - c) Cap off abandoned waste piping
  - d) Re-slope drainage pipe to appropriate pitch
  - e) Replace Air Filter to HVAC Unit;
- 10) Per Planning Engineering Comments, UG staff require the alley to the south side of the house from North 8th street to be paved i.e., concrete or asphalt. If so, a site plan and an erosion control plan will be required. A site plan shall be sealed, signed and dated by a design professional i.e., professional engineer or architect and include all applicable construction notes, details, and final engineering design to show all dimensions, proposed work, distance from property lines, existing utilities, right-of-way widths, alley widths, contact information, etc., in accordance with UG standards and criteria. Further discussion with staff may be required;
- 11) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 12) The owner or owner's agent/operator shall provide a guest book with the following information:
  - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
  - b) A lead-based paint notification for any property built before 1978.
  - c) An asbestos notification for any property built before 1981.
  - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
- 13) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions

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

- 15) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 16) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
- 17) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

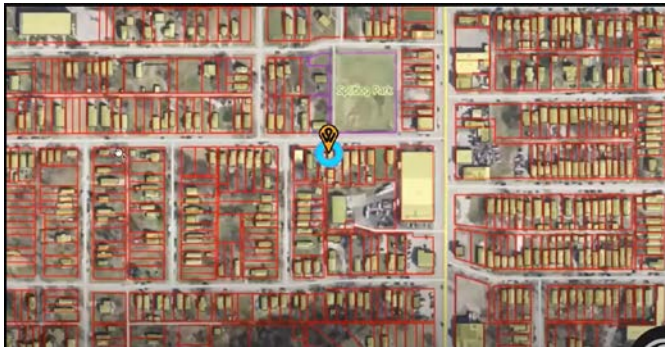
**Mayor Garner** said I'll ask staff to make some opening remarks.

| Case                                                                                                                                                                                                                                       |                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| SP2022-067                                                                                                                                                                                                                                 |                                               |
| Petitioner                                                                                                                                                                                                                                 | Address                                       |
| Brian Glasser DBA<br>AKCO Investments                                                                                                                                                                                                      | 733 Ohio Avenue<br>Kansas City, Kansas, 66101 |
| Synopsis                                                                                                                                                                                                                                   |                                               |
| To operate a short-term rental. The subject property is in the Strawberry Hill neighborhood. The applicant purchased the property within the last year and has completed a significant amount renovations as it was a distressed property. |                                               |

**Gunnar Hand, Director of Planning & Urban Design**, said this case is a special use permit for a short-term rental with no on-site manager.



This is in the Central Area Master Plan in the Strawberry Hill neighborhood. Thus far, we've received no letters in support nor opposition.



There are no notices of violation on this property.

The condition in question by the applicant is condition No. 10. If you look in your reports, condition No. 10 requires that the alleyway, which would provide access to the off-street parking for this facility, be paved.



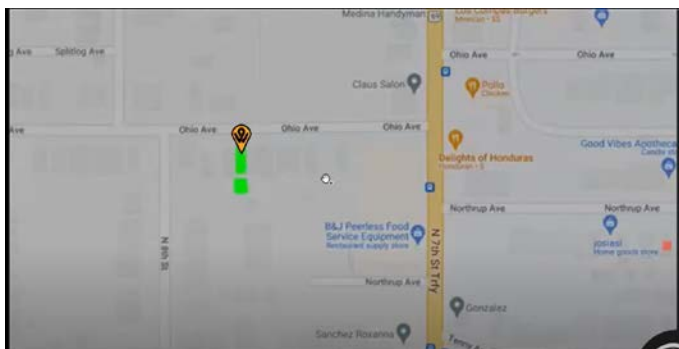
There was an error in the way it was written; more ambiguity than an error. The way it's written, it could be interpreted as the entire alleyway, it's kind of an L-alleyway. You can see it here. Although this alleyway is also platted because of all the industrial development on this site. It



doesn't really go through this way. So, if you read No. 10, you could interpret it to say that the entire alleyway needs to be paved.

Staff would like to amend it to make sure that the alleyway is only paved from N. 8<sup>th</sup> St. over to the property. Again, the only way to access the off-street parking for this facility is via an alleyway, and the alleyway is in pretty rough condition. Staff believes there is a nexus there.

This is for a maximum of six people and two cars. Staff agrees with Planning Commission for approval for one year. The applicant is also required to come back to get a BOZA. As you can see, there's a pretty large garage in the rear. By the time he paves it, he's going to have a rear yard that violates the open space requirement in the back. So, we're going to ask him to come back and do that at a later date, but we're confident moving forward with the special use permit today.



**Mayor Garner** said I believe the representative has come forward. If you would please, again, state your name and address of record, and you can make some comments.

**Brian Glasser, AKCO Investments, LLC**, said my partner and I are local business owners here in KCK. We actually both office out of the recently renovated 730 Minnesota building. We are the owners and subsequent applicants for the SUP, or special use permit, at 733 Ohio. We purchased this property in late October 2021 and completed the work on the home roughly two months ago. It was quite a bit of an enduring project.

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I believe the staff that we personally worked with can attest that we've always tried to do—this isn't my only special use permit here in KCK. Everything is always submitted through proper channels here in Wyandotte County.

All that being said, as was alluded to, it recently came to my attention following the meeting on August 8<sup>th</sup> that the staff had identified a specific condition, condition 10, as a requirement for approval for the special use permit. At the August 8<sup>th</sup> meeting, I had zero issues with the conditions that were stipulated due to the fact that I was not aware of condition No. 10, which was essentially asking me, as a bootstrap business owner, to pave about \$40-\$50K worth of concrete. Even with the spot that the staff annotated for me to start the concrete at, that's still a \$40-\$50K job. I wasn't even tracking the additional alleyway, not to mention the engineering costs that I'd have to bring in a landscape architect.

I did receive that official final staff report this week. As I combed through it, I did see condition 10, but none of the preliminary draft reports mentioned this requirement, so that's why I brought it up today as an item to move to the Non-Consent Agenda.

This home has already required significant capital to fix, exceeding \$50K just in repairs, not including my acquisition cost. After taking ownership of this home, it was found that someone was diverting power as I went to pull my electrical permit, so I had to completely replace the panel and riser as well. Between those costs I've already outlined, the ongoing mortgage payments that I continue to eat while we wait for the approval by doing the right thing, I don't believe it's reasonable or fair to ask a single individual homeowner to pave a public alleyway, which is also to the benefit of several neighbors as well.

Just prior to this meeting, I did swing by the home and drove down the alleyway. If we could go back to the map, as you can see, there's also an additional garage back there. They also use that similar truck, similar model as me, that drives back there and parks theirs and uses that two-car garage as their primary parking. I believe that the public would also significantly benefit from a private owner paving the entire driveway.

I would like to apply for a variance. In speaking with the staff, that seems to be the best option here in support of my special use permit. I'm requesting that the staff remove condition No. 10 because if not, I simply cannot afford to conduct this flat work. It's literally the same cost as the entire remodel of the house. I believe that it's of best use for the public since everybody else is using it as well.

So, that is my ask. Thank you for your consideration and time.

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**Mayor Garner** said we have several commissioners on deck. We'll circle back for those questions so if you'll standby.

**Mayor Garner** said I'll now open the public hearing and ask the Clerk if she received any direct notification 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?

Is there anyone joining us virtually, Clerk, who would like to speak in favor of this item?

**Ms. Sparks** said no hands are raised.

**Mayor Garner** asked, Clerk, have you received any direct notification from the public? **Ms. Sparks** said no comments have been received.

**Mayor Garner** asked, is there anyone present who would like to speak in opposition of this item?

Is there anyone joining us virtually, Clerk, who spoke in opposition? **Ms. Sparks** said no hands are raised.

**Mayor Garner** said I will now close the public hearing.

**Mayor Garner** asked, would you like to make any closing remarks?

**Mr. Glasser** said like I said, Mr. Mayor, I heard at the start of the meeting what's—doing things fair. I just believe that the costs would not be fair. The usage of it would not be fair with the respect to making me pave this driveway essentially for public use.

**Commissioner Stites** asked, if you had been made aware of condition No. 10 prior to this, you'd have probably, I'm just assuming, not gone through with this renovation, correct? **Mr. Glasser** said that's correct because I'm...**Commissioner Stites** said because of cost effectiveness just didn't make sense. Like you had stated earlier, you've been through this process multiple times and you're fully aware of how things go. According to you and what you've stated earlier that

you've complied with all other situations moving in the past. **Mr. Glasser** said correct. I don't launch them before we're up and legal and just try to do it and constantly parallel planning with the city.

**Commissioner Stites** said I'm not sure how it is that we, as a governing body, would think that it's okay to put the burden on you to pave that much when there's multiple users that have access to it, and that it was subsequent to you starting this process. With that being said, I make a motion to approve.

**Action:** **Commissioner Stites made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2022-067, for one year, subject to the stipulations.**

**Mr. Glasser** said if I may, it would be to remove 10.

**Mayor Garner** said, Mr. Hand, you want to follow up with the response.

**Mr. Hand** said the applicant applied for the SUP in June, so he obviously completed the renovation and started all that work before applying for a special use permit. If he's done special use permits in the past with us, he knows that we do have requirements that get developed as we review the project when it comes to us, not before it comes to us.

Additionally, although there are other users of the alleyway, none of them are using their single-family home as a private business, effectively a hotel. Again, he might be able to drive his trucks there, but his short-term tenants might not have a truck. Again, big issue. Again, I don't think it necessarily needs to be concrete either. It could be asphalt. Right now, it's pretty rugged dirt, gravel alleyway.

**Commissioner Ramirez** said I completely understand what you're saying, Gunnar, but at the same time it's—and I understand that his business is a business, but it's also still a residential home within a residential area where there's several other owners using the same road, the same alley. I just don't see where the fairness is where he has to bear the total cost, but yet, all of the other homeowners are going to benefit from him having to do it when it's just his one parcel that he has his business in. That's my thing. I just don't see the fairness in that.

**Mr. Hand** said although it is a completely different scale, it's no different than asking a large developer to make public improvements. That's what we're asking. Again, I'm worried that we're not going to be providing off-street parking for that short-term rental like we require if they can't drive down the alleyway to get to this parking lot.

**Commissioner Ramirez** said but the difference between a large development is they have the capital and the ability to do those public improvements whereas this is a small business. That's where I just don't think it's fair, personally. Again, multiple parcels, multiple homeowners are going to be using that alleyway to get in and out of their homes and it's only one parcel who paid for—it's not the entire alleyway that it is, but it's still a portion of it. I don't know. To me, it's just the fairness of it.

**Commissioner McKiernan** said I'm trying to pull up DotMaps here because according to Google street view, which appears to be 10 years old, the entrance to this is brick off of—is the entrance to this alley brick and does it then go to dirt, at some point, east of the brick?

**Mr. Hand** said there's a grade change from N. 8<sup>th</sup> down to this property. It's not a hill, but it's five or six feet down from the right-of-way to get down to where it levels out before it goes back toward this property. It may have been brick. Right now, it's dirt and a little bit of gravel, maybe some chunks of asphalt here and there from previous patches. I mean, I would offer, if it helps, we could, at our cost, if you wanted to. Again, I'm concerned that we're going to have on-street parking for this private use and that's something we try to discourage with short-term rentals, all short-term rentals. We do have the ability to regrade the alleyway. It's just a really tight fit. It's one of those really small, narrow alleys.

**Commissioner McKiernan** said right. And I would say to everyone who's here, this is the importance of our City General Fund because that funds things like the maintenance of alleys which we are woefully behind, decades behind in maintaining our alleys. I'm trying to pull it up here on—I want to see the aerial photography from 2020 in DotMaps.

Your parcel then comes north to south and the alley runs into the back of your parcel. You would propose then to have your tenants drive from the alley onto your parcel and park there.

**Mr. Glasser** said yes, sir.

**Commissioner McKiernan** said I'd be more concerned about the composition of the parking on your parcel than I would be the alley. I mean, we could put millings in the alley. The composition of many of these alleys in this area of town, which is my district, is we take millings

and just put it down as if it were gravel. It, at least, gives us a hard surface to drive on that eventually compacts. I don't know if that's the right thing to do, but my goodness, we have millings in the alley behind my house. But, what about, what's the composition of the private property that people would be parking on? Is it dirt?

**Mr. Glasser** said, Commissioner, it's a—I actually have a photo here I could show you. This is what I just drove—before I came to the meeting, I took a photo of the people who are also using it. A very large truck can clearly fit behind there. It's currently a mixture of basically like gravel, rock, grass, dirt.

**Commissioner McKiernan** asked, Mayor, would it be okay with you if I just went down here to take a look at that photo? **Mayor Garner** said yes and any others.

**Mr. Glasser** said they could park in my two-car garage. That was my confusion when I initially read the staff report because it said parking was approved and that my two-car garage was sufficient.

**Commissioner McKiernan** said I, frankly, just to give my opinion, would be inclined to ask that he improve anything from the end of that alley to the doors of his two-car garage, which will be a significantly shorter distance. It will be his private property, not shared public property. I would just suggest that we add this to our laundry list of alleys that need some work at somewhere down the road. In the meantime, maybe see if Public Works can put some millings in that alley to improve the surface. I do agree with Commissioner Ramirez, I'm not sure that I'm comfortable with putting the burden on this one property owner for all of that improvement that is of shared benefit. If your residents, if your guests could not park in your two-car garage, would they be parking on the street?

**Mr. Glasser** said that would be my assumption. That is pretty typical. It always just depends. Is the guest running in the house to just grab something? **Commissioner McKiernan** said and given the fact that—don't we have 25 foot fronts here? **Mr. Hand** said this one is, yes, 25 feet. **Commissioner McKiernan** said so given the fact that we've got a 25 foot front, you can get one car realistically in front of that house. That's what I'd be inclined to do is ask him to make sure that the—from the edge of his property to the doors of his garage, is improved consistent with our code, and that we just put some millings in the alley to improve it for everyone.

**Mr. Hand** said so if I'm reading the room, I think the motion would be to remove condition No. 10 and move forward.

**Commissioner Stites** said if I can, what I would do is like to amend my motion, but I want to be clear about something. What we are asking him is from the alley to his garage, what are we allowing him to use as a surface? Is he able to use millings up to that garage, or are we saying—what is there now, currently, from the alley to your two-car garage?

**Mr. Glasser** said from the start of the alley, it's pretty much dirt, grass, rocks. **Commissioner Stites** said to your garage doors. **Mr. Glasser** said before you get to my garage door, I have a bit of, because it's sitting on a slab, my garage is sitting on a slab, so there is a little bit of cement to get up basically to go into the garage.

**Commissioner Stites** said I just want to be clear what we're asking you to do is what we actually want you to do. Is that pouring concrete down to, or asphalt down to the entryway? I don't know if that's the spirit of what you're saying.

**Commissioner McKiernan** said that's what I originally had envisioned was that the private property be improved to our standard for a private property so that we're not driving on or parking on an unimproved surface, but that the alley be millings. I haven't seen the property so I don't know if that is a reasonable request.

**Mr. Hand** said as it relates to what happens on the applicant's property, specifically to paving in some way, shape, or form, or improved surface from the alleyway to the two-car garage, which is legal non-conforming, staff would recommend that we handle that at the BOZA case to come forward, which he's going to need to have the more than what's allowed paved surface in a rear yard. We can address all the improved surface parking stuff at another date on BOZA. So, today, I think I would recommend that we just continue and move forward. He can start renting his property and we can start following up on that issue with the BOZA case.

**Mayor Garner** asked, are there any further questions or comments for either Mr. Hand or the petitioner? I had an original motion. I believe Commissioner Stites wanted to modify his motion, at the recommendation of staff, to remove Item No. 10. **Commissioner Stites** said correct.

**Action:** **Commissioner McKiernan seconded Commissioner Stites' amended motion.**

**Misty Brown, Chief Counsel**, said Commissioner Stites has modified his motion to approve this with the removal of condition 10. Commissioner Kane originally seconded the motion. I need to

know from Commissioner Kane if you're also in agreement to amending the motion since you are the second? (inaudible) Thank you.

**Mayor Garner** said before I proceed to the vote, Commissioner Townsend, you had a question?

**Commissioner Townsend** said I did have a question. I understand the modification, but to the recommendations of Commissioner McKiernan, is there another motion needed to accomplish what he was talking about?

**Mr. Hand** said I believe that we can address that in the future entitlement when that comes back for the variance.

**Mayor Garner** said before we go to vote, can you pull back the picture of the house? I'd just like to make a comment. Naturally, I don't vote on these items, but I just wanted to share my opinion. In an era where we're really looking to promote and getting economic development and residential properties in our county, I know we give a lot of latitude to our staff, the administration, and charter, and those types of things, but I would just ask that in light of where we're at and trying to get really these projects going, if we could just be reasonable with some of these things.

I know it was brought up earlier about some of the bureaucracy that a lot of developers have to go through. I'm not saying this is one of those moments, but if we could just use our discretion a little bit more responsibly in working with these individuals that are trying to bring the types of things that we need here in Wyandotte County as far as affordable housing and residential and businesses, I think that will go a long way in easing some of the tension that a lot of developers and builders and entrepreneurs have in wanting or deciding to do business here in Wyandotte County. Just showing a little empathy and just, again, just reasonableness when we make these types of decisions that are allowed with staff's discretion.

With that being said, there is a—I'll entertain a motion again or was that already given? We've got the motion and we've got the second. Any further discussion on this matter? Seeing none, roll call, please.

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



**Item No. 3 – 211895...SPECIAL USE PERMIT APPLICATION SP2022-069 - G&J ENTERTAINMENT**

**Synopsis:** Special Use Permit for live entertainment in conjunction with an existing drinking establishment at 4929 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. : The applicant, Jesus Gerado-Gonzalez, is requesting a Special Use Permit for live entertainment at an existing restaurant/drinking establishment at 4929 State Avenue. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-069, for two (2) years, subject to:

1. A pedestrian pathway shall be constructed from the sidewalk to the parking lot of their establishment. The applicant will also need to paint crosswalk marking in their parking lot that connects the new pathway and front door;
2. The applicant will be required to construct screening for their trash receptacle and grease trap;
3. The applicant shall repair the roof equipment screening on the rear (south) elevation of the structure. The repairs must be consistent with the remainder of the screening;
4. A bollard and landscape screening are required to be installed to screen and protect the gas line on the east side of the building;
5. All entertainment must cease by at least 1:00AM;
6. Doors and windows must stay closed during any entertainment performance; 7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
  - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
  - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
  - c. An I.D. scanner will be used at all times;
  - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. 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;
12. The applicant has filed and maintained a current business occupation tax application and entertainment license;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

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14. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 36,669 square feet, requiring six (6) trees be provided on the site plan;
15. Section 27-467(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;
16. 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 street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-069, for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 4 – 211893...SPECIAL USE PERMIT APPLICATION SP2022-073 - CURTIS PETERSEN WITH POLINSELLI PC**

**Synopsis:** Special Use Permit to develop and operate a youth outdoor nature experience facility with trails, camping, and shelters at 2640 Woodend Lane, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:** This item was previously heard in conjunction with Change of Zone Application Item No. 2, COZ2022-023.

**Item No. 5 – 211889...SPECIAL USE PERMIT APPLICATION SP2022-075 - CRISTEN RYMAN AND KATE LYNCH**

**Synopsis:** Renewal of a Home Occupation Special Use Permit (SP2020-38 - expires 9/13/2022) for a short-term rental at 2824 North 99<sup>th</sup> Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicants, Cristen Ryman and Kate Lynch, are seeking the renewal of approval to operate a short-term rental at 2824 North 99th Terrace. The subject property is east of I-435 between Leavenworth Road and Georgia Avenue. The applicants own the property and reside there while renting out a room to guests who typically visit for shopping and neighborhood sports games. The applicant has two (2) prior Special Use Permits and is now requesting a five (5) year renewal period. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-075, for five (5) years, subject to:

1. Maximum number of guests shall be three (3);
2. All parking must be off-street, maximum number of vehicles is two (2);
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;

5. Applicant is to maintain liability insurance;
6. The property must remain in proper main entrance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. The owner or owner's agent/operator shall provide a guest book with the following information:
  - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
  - b) A lead-based paint notification for any property built before 1978.
  - c) An asbestos notification for any property built before 1981.
  - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. 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;
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 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;
12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-075, for five years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

#### **MASTER PLAN AMENDMENT APPLICATION**

##### **Item No. 1 – 211897...MASTER PLAN AMENDMENT APPLICATION MPL2022-014 - CURTIS PETERSEN WITH POLSINELLI PC**

**Synopsis:** Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Rural Density Residential (City Wide Master Plan) at 2640 Woodend Lane, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:** This item was previously heard in conjunction with Change of Zone Application Item No. 2, COZ2022-023.

#### **PLAN REVIEW APPLICATION**

##### **Item No. 1 – 211896...PLAN REVIEW APPLICATION PR2022-024 - CURTIS PETERSEN WITH POLSINELLI PC**

**Synopsis:** Preliminary and Final Plan Review for Endless Outdoors Nature Experience at 2640 Woodend Lane, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:** This item was previously heard in conjunction with Change of Zone Application Item No. 2, COZ2022-023.

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

**Item No. 1 – 211903...AN ORDINANCE** rezoning property at 3619 Pomeroy (COZ2022-021) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-114-22**, “An ordinance rezoning property hereinafter described located at approximately 3619 Pomeroy Drive, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 2 – 211904...AN ORDINANCE** rezoning property at 4732 State Avenue (COZ 3241) from CP-1 Planned Limited Business District to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-115-22**, “An ordinance rezoning property hereinafter described located at approximately 4732 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 3 – 211905...AN ORDINANCE** rezoning property at 4136 Springfield (COZ2021-034) from RP-1(B) Planned Single Family District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-116-22**, “An ordinance rezoning property hereinafter described located at approximately 4136 Springfield, in Kansas City, Kansas, by changing the same from its present zoning of RP-1(B) Planned Single Family District to RP-5 Planned Apartment District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 4 – 211906...AN ORDINANCE** rezoning property at 4141 Joyce Drive (COZ2022-014) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-117-22**, “An ordinance rezoning property hereinafter described located at approximately 4141 Joyce Drive, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 5 – 211907...AN ORDINANCE** vacating right-of-way (VAC2022-004) at 2942 North Bethany Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-118-22**, “An ordinance vacating a tract of land north of Lot 1, Block S, Boulevard Park, a subdivision of land recorded in Book 11, Page 33, in the northwest quarter of Section 33, Township 10 South, Range 25 East of the Sixth Principal Meridian, in the city of Kansas City, Wyandotte County, Kansas, said tract containing 2,555 square feet or 0.0587 acres, located at approximately 2942 North Bethany Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 6 – 211908...AN ORDINANCE** vacating a utility easement (VAC2022-005) at 12746 and 12750 Hubbard Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-119-22**, “An ordinance vacating the east 5 feet of Lot 17 and the west 5 feet of Lot 18 Freeman Farms North Phase One, a subdivision of land in the city of Kansas City, Wyandotte County, Kansas, except the north 10

feet of said Lots 17 and 18 and the south 10 feet of said Lots 17 and 18, located at approximately 12746 and 12750 Hubbard Road, Kansas City, Kansas.”

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

**Item No. 7 – 211909...AN ORDINANCE** authorizing a Special Use Permit at 7250 State Avenue (SP2022-006) for a continuation of a childcare facility on the KCKCC campus, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:** **ORDINANCE NO. O-120-22**, “An ordinance authorizing a special use permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a child care facility on the KCKCC campus, 7250 State Avenue.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 8 – 211910...AN ORDINANCE** authorizing a Special Use Permit at 941 North 74<sup>th</sup> Drive (SP2022-040) for live entertainment in conjunction with an existing restaurant, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:** **ORDINANCE NO. O-121-22**, “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 live entertainment in conjunction with an existing restaurant located at s 941 North 74th Drive.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.



**Item No. 9 – 211912...AN ORDINANCE** authorizing a Special Use Permit at 322 North 6<sup>th</sup> Street (SP2022-046) for live entertainment in conjunction with an existing drinking establishment, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-122-22**, “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 live entertainment in conjunction with an existing drinking establishment at 322 North 6th Street.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 10 – 211914...AN ORDINANCE** authorizing a Special Use Permit at 4141 Joyce Drive (SP2022-042) for Temporary Use of Land for agricultural-related tourism, sales, education classes, apprentices, and a farm stand, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-123-22**, “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 temporary use of land for agricultural-related tourism, sales, education classes, apprentices and a farm stand at s 4141 Joyce Drive.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 11 – 211915...AN ORDINANCE** authorizing a Special Use Permit at 10 South Hallock Street (SP2022-059) for a short-term rental, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-124-22**, “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 10 South Hallock.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 12 – 211916...AN ORDINANCE** authorizing a Special Use Permit at 3914 North 59<sup>th</sup> Street (SP2022-056) for Temporary Use of Land for Commercial Purposes to keep work equipment, related materials, and parking for employees on site, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-125-22**, “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 temporary use of land for commercial purposes to keep work equipment, related materials, and parking for employees on site at 3914 North 59th Street.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 13 – 211917...AN ORDINANCE** authorizing a Home Occupation Special Use Permit at 1324 North 75<sup>th</sup> Drive (SP2022-057) for a short-term rental, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-126-22**, “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 home occupation special use permit for a short-term rental at s 1324 North 75th Drive.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson,

Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 14 – 211918...AN ORDINANCE** authorizing a Special Use Permit at 6720 Kaw Drive (SP2022-062) for the continuation of live entertainment in conjunction with an existing drinking establishment, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-127-22**, “An ordinance authorizing a special use permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of live entertainment in conjunction with an existing drinking establishment at 6720 Kaw Drive.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

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

### **SPECIAL USE PERMIT APPLICATION**

#### **Item No. 1 – 211894...SPECIAL USE PERMIT APPLICATION SP2022-068 - SARAH BELARDE AND JAVIER SAENZ**

**Synopsis:** Special Use Permit to operate a short-term rental at 3008 South 9<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicants, Sarah Belarde and Javier Saenz, are seeking approval to operate a short-term rental at 3008 South 9th Street. The subject property is west of the Rosedale neighborhood. The applicant purchased the property within the last month and is in process of renovating the property. The applicants are from the Kansas City area and will run the property as a family business with their parents and relatives who live locally. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2022-068 for one (1) year, subject to:

- 1) 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;

**August 25, 2022**

- 2) The following repairs shall be made prior to occupancy as a result of the home inspection:
  - a) Covering any open wire splices in the attic with a junction box.
  - b) Replacing missing outlet covers on the exterior GFCI outlets.
  - c) Repair gas line to oven.
  - d) Install handrails on any open side of a stairwell including stairs to basement;
- 3) Maximum number of guests shall be six (6);
- 4) All parking must be off-street, maximum number of vehicles is two (2)
- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) Applicant is to maintain liability insurance;
- 8) The property must remain in proper main entrance and free of hazards, pests, or infestations;
- 9) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 10) The owner or owner's agent/operator shall provide a guest book with the following information:
  - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information.
  - b) A lead-based paint notification for any property built before 1978.
  - c) An asbestos notification for any property built before 1981.
  - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 12) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 13) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with

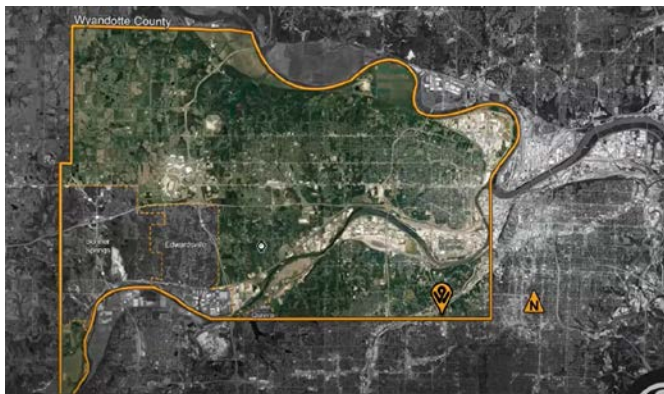
the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

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

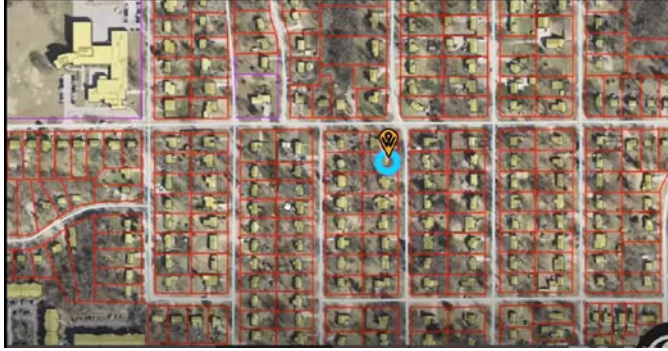
**Mayor Garner** said, staff, if you can open with some remarks, please.

| Case                                                                                                                                                                                                                                                                                                                                     |                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| SP2022-068                                                                                                                                                                                                                                                                                                                               |                                                                 |
| Petitioner                                                                                                                                                                                                                                                                                                                               | Address                                                         |
| Sarah Belarde & Javier Saenz                                                                                                                                                                                                                                                                                                             | 3008 South 9 <sup>th</sup> Street<br>Kansas City, Kansas, 66103 |
| Synopsis                                                                                                                                                                                                                                                                                                                                 |                                                                 |
| To operate a short-term rental. The subject property is west of the Rosedale neighborhood. The applicant purchased the property within the last month and is in process of renovating it. The applicants are from the Kansas City area and will run the property as a family business with their parents and relatives who live locally. |                                                                 |

**Gunnar Hand, Director of Planning & Urban Design**, said, again, this is another special use permit for a short-term rental with no on-site manager.



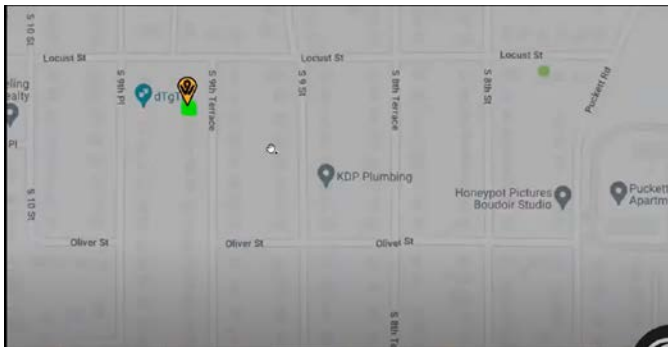
This is in the City-Wide Master Plan area,



not just outside, I should say, the Rosedale Area Master Plan, although it is still considered the Rosedale neighborhood.



We received no letters of support. There was one person in opposition at the Planning Commission hearing earlier this month.



There are no notices of violation on this property. It's a short-term rental proposed for a maximum of six people and two off-street cars. Staff agrees with the Planning Commission recommendation of approval for one year.

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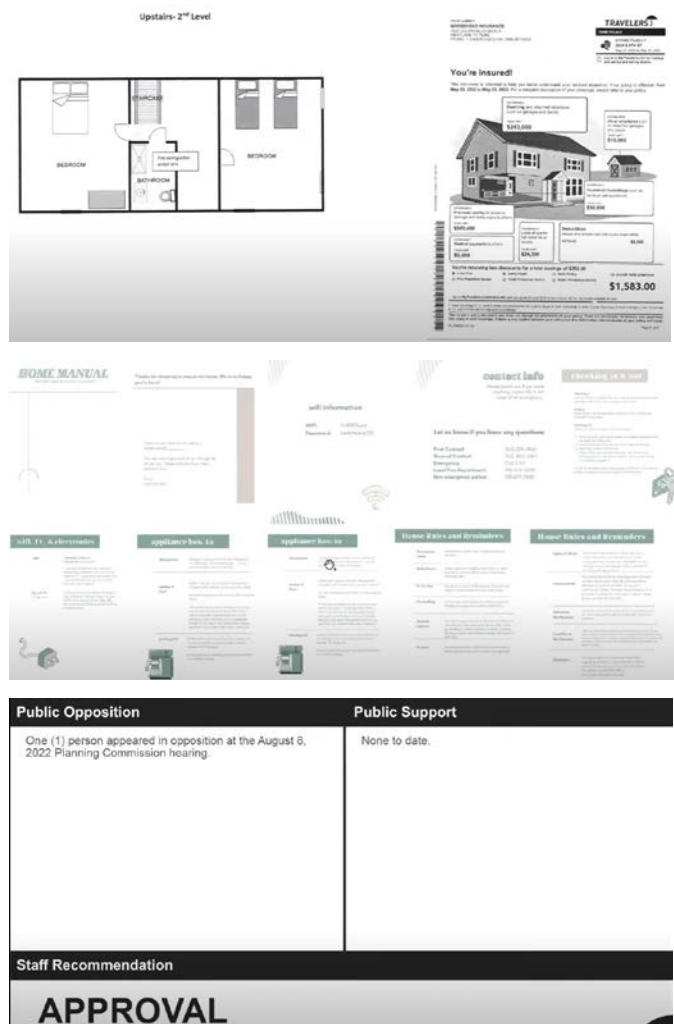




| Factory Home Inspection |                | 2022 S. 1st Street, Kansas City, MO                                                                                                                                                                                                                                                                            | Factory Home Inspection |  | 2022 S. 1st Street, Kansas City, MO |
|-------------------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|--|-------------------------------------|
| Report Summary          |                |                                                                                                                                                                                                                                                                                                                |                         |  |                                     |
| Exterior                | Garage         | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
|                         | Other          | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
| Electrical              | Outlet         | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
|                         | Other          | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
| Plumbing                | Water Heater   | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
|                         | Other          | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
| Heating                 | Gas Lines      | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
|                         | Other          | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
| Cooling/HVAC            | Condenser Unit | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
|                         | Other          | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
| Roofing                 | Roof           | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
|                         | Other          | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
| Foundation              | Foundation     | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
|                         | Other          | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
| Other                   | Other          | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |
|                         | Other          | A 10'x12' utility island and a 6'x8' garage located on the garage island. The island is made of concrete and has a concrete floor. The island is located on the north side of the house. The island is used for storage and for the utility island. The island is used for storage and for the utility island. |                         |  |                                     |







**Mayor Garner** asked, is the representative present to present your application?

**Sara Belarde, 3008 S. 9th St.,** said me and my husband are asking for a special use permit for short-term rental for our home at 3008 S. 9th St. We are from out of state and bought this home to be able to spend time close to our sisters and nephews who live in Kansas City. We spent the summer in Kansas City renovating the home and making all requested changes. We care about this neighborhood and we plan to use this as a vacation home as well as short-term rental.

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

**Mayor Garner** asked, is anyone present that would like to speak in favor of this item?

**August 25, 2022**

Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Ms. Sparks** said no hands are raised.

**Mayor Garner** asked, Clerk, has any notification been received from the public who wish to express their comments in opposition of this item? **Ms. Sparks** said yes, Mr. Mayor. We have received two comments.

**Ms. Sparks** read the following email from Leslie Guthrie, 2933 S. 9<sup>th</sup> St.

I am here to speak in opposition to this application. As a full-time resident of Wyandotte County and the Rosedale neighborhood, I feel strongly that what our community needs more of is affordable housing. There is no need being met in our neighborhood by approving this application, as there is no shortage of short-term rentals in the surrounding areas. A search on Airbnb or Vrbo will turn up over a dozen around Rosedale Park. A short-term rental in our neighborhood is simply a move to capitalize on the proximity to areas across the county/state lines, where there are also already plenty of options available.

I ask that the Commissioners (a) consider existing availability in the surrounding areas before approving new short-term rental permits, (b) place restrictions on how many can be approved within otherwise residential areas, and (c) require a notice to neighbors prior to each renewal so that we can voice concerns that may arise even if the permit is approved for the first year.

To continue to revitalize our area, we need resident-owners invested in keeping our neighborhood safe, clean, and friendly. We need full-time residents who want improvements like sidewalks and road repairs, police presence to make our residents feel safer, encouragement among neighbors to take pride in their properties, and enforcement when landlords/owners do not take proper care of the properties. What we don't need is transient occupants that contribute to poor behaviors like driving recklessly, consuming the street parking on our narrow roads, and making noise at all hours of the day and night.

Airbnb and Vrbo have a less than stellar history of bad guests, bad hosts, bad management, and open investigations – all of which will have a detrimental impact on our residential area. I ask that the Commissioners (d) explicitly define how they will ensure that the property is properly managed, a term repeatedly utilized throughout the application. Providing neighbors like me with specifics 2 of 4 may help relieve some concerns, but otherwise that broad brush language offers no reassurance.

Additionally, as I stated at the Planning Commission Meeting held on August 8th, I live only three houses away, and I received no letter of notice from the owners regarding this application. While it appears the official requirements is for owners within 200 ft., I believe this to be insufficient as many interested parties are missed when our properties are 70 ft. wide. The application documents do not seem to provide any specifics about which neighbors were sent letters. I ask that the Commissioners (e) consider changes to these requirements to more thoroughly provide notice to surrounding neighbors, in good faith, and to document such notice so that it can be confirmed.

Lastly I'd like to clarify a point in the application documents under Factors to be considered #4 – this property was previously sold in 2019, and was occupied by full-time residents until being sold this year. The new owners are not saving our community from a vacant property – an issue we do have with the fire damaged house that shares their property line, and has been attracting vagrants and squatters for years.

I ask that the Commissioners deny the application at this time, as there is no need in our community for more short-term rentals, notice to neighbors was insufficient at best, and approval of more short-term rental permits will only continue to eliminate affordable housing options in Wyandotte County. Thank you for your time.

**Ms. Sparks** read the following email from Michael Henke, 2939 S. 9<sup>th</sup> St.

This is in reference to Application #SP2022-068. If I was supposed to receive a mailed notice of the community meeting on July 25th, I did not. I only learned about the application from a neighbor who noticed the Change of Use sign up by the front porch of the house. I would think the sign should be as close to the road as legally allowed so neighbors driving up or down the street could see it and read it from the road without trespassing.

I am against the use of the property in this regard. This area of Wyandotte County is made up of single family homes and I feel it should remain so for single family ownership or as rentals to single families.

I also heard on the local news that a task force was being established to look into complaints made against companies like Airbnb, Vrbo, and others of this nature. The news did not say whether the complaints were from customers or neighbors of the rental properties. Even though these are national companies, I believe these same complaints could possibly be levied

against a small company or even a single property owned by someone who sees the dollar potential that could be incurred by using the property in this way.

I do like what the current owners have done to update and fix the property though. But please flip it or rent it to a single family. I feel that the neighborhood does not need a motel in the middle of it.

**Ms. Sparks** said those are all the comments we received.

**Mayor Garner** asked, is there anyone present who would like to speak in opposition of this item?

Clerk, is there anyone joining us virtually who would like to speak in opposition? **Ms. Sparks** said no hands are raised.

**Mayor Garner** said I'll close the public hearing.

Petitioner, if you're still online, you can make some closing comments.

**Ms. Belarde** said I understand these concerns, right? I definitely understand the need for affordable housing, right? I think it is important to highlight that my husband and I are not these big business owners coming in just trying to flip homes and make profit. We're here for the primary reason of connecting with family. This is a community we care about. We will have a property manager. We will visit frequently to care for it. We will not allow parties and incorporate as much as we can to protect the neighborhood and protect the home. We have very pure intentions in this. This is not a home that we are trying to make money out of purely.

**Mayor Garner** said since we closed the public hearing, do any members of the Commission have any comments?

**Commissioner Ramirez** said this is in my district, in my area. You know I've had many conversations with Kelly and Gilbert about short-term rental, an issue that a lot of Rosedalians do have, especially in my district, that there is a large concentration of STRs within my district. It's a conversation I have had with Gunnar, with our Planning Director, several times and I told him I want to work with him to figure out, to create a policy to better deal with STRs.

I believe that they have good value to bring into the community where they are, but having a high concentration in just one area, I do believe it does have an effect on the housing within the

area. Unfortunately, we have no real policy, as a Commission, on the books that say no to an STR. We have nothing. There's no teeth in our policy to say no. What that looks like in the future, I don't know. I've committed to working with Gunnar when he and his department is ready to start looking at STRs to figure out ways that we can regulate them better so that they are working for the community. I know there's a few and far between those who do become nuisance to the neighborhood, but the majority I do see that do good work and they are good stewards of the property and they are good neighbors to the community.

I do honestly hear the concerns of those neighbors but, unfortunately, there's nothing we can do to say no. There's nothing in our code, in our policy. I do think that Mrs. Belarde and I believe you said husband, correct me if I'm wrong, I apologize, for fixing up the home. I see the pictures in the packet. It looks like a beautiful home. So, I thank you for that.

I just hope that you work with your tenants. Make sure that they know the rules. I know you said here in our packets, you sent a guest book that has maintained, that shows all the rules that they're supposed to follow, the house rules, checking in, checking out, and everything. I appreciate you submitting that as part of your application. But that's all I ask is just work with the community, get to know the community. It goes a long way too, especially with Rosedalians. Just get to know them. Knock on their doors. Introduce yourself. Have a cup of coffee. That's the key for Rosedale is just get to know them. With that, I move for approval.

**Action: Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2022-068 for one year, subject to the stipulations.**

**Commissioner Davis** said I will be brief. I agree with Commissioner Ramirez. This, I don't want to call it an issue. I'll call it a trend, a phenomenon within our community of short-term rentals is growing. I will pride myself in being Mr. Community Benefits and pushing that conversation when we talk about development. I will also claim that we need to have a serious conversation on short-term rentals. We need to have a serious conversation on the transient guest sales tax and see what we can do because it can be a nuisance to the neighborhood, but it can also be some new found revenue that can shore up our budget. It is up to us to capitalize off of that, to work with Legal, to work with Planning to see how we can regulate it better, but we need to take on this beast now before it takes us on and we don't know what to do with it.

**Commissioner Townsend** said I'd like to hear from the applicant what provision is she taking so that neighbors who live there, if they have complaints or concerns at a time visitors are occupying the home, if that's allowed to go forward, can address? Who can they call? Who's available to address their concerns?

**Ms. Belarde** said we did send the letter. It sounds like maybe we need to send it to a farther radius, but we did send the letter with our email and phone number. After the time when we submitted the responses, someone did email me so I know that most people got that letter in support of this asking when they had family here, if they could come rent it for them. I am totally in agreement with the suggestion to go around with my husband. We will be there next weekend and meet neighbors. We have met all the neighbors directly adjacent to us. But, yes, I am happy to provide my phone number, the property manager's phone number, my email, and we are very open and available.

**Commissioner Townsend** asked, has that been done or are you saying that's your intention to do that? **Ms. Belarde** said we did send, in the letter, our email and my phone number. I know that people did receive that who were on the list. We could send it to more people, including the people who had worries about this. I have not done that yet. I haven't sent it to those two people.

**Mr. Hand** said they were required to have a neighborhood meeting. They sent out those letters and we confirmed that. The notice did go out to 46 property owners adjacent to this property within the state statute required 200 feet. It also went to the Rosedale Development Association and were knowledgeable about this project.

**Commissioner Townsend** said I thought I heard someone write in and said that they were within the 200 and they didn't get it. I guess my concern is that people within 200 or 300 foot area, or the required area, at least know on any given day if there's a problem, they can contact either the homeowner or someone the homeowner has designated; anytime of the day or night that there are guests there. That would be something I look at every time we get these applications. Often that's in there. That issue was not addressed in the homework that we have here. There was a number provided, I guess, in the book for someone who is a renter if there is a problem. If the place isn't clean or what have you, if they have a concern, but I didn't see where there was any provision for the neighbors if they had a problem with guests. So, I think that's something that needs to be addressed.

**Mr. Hand** said that same number in the conditions of approval for the applicant, is the number for Host Compliance, which is a platform that tracks all the Vrbo, Airbnb, and other platforms, accordingly. That number is also on our website under our short-term rental applications. You can call that number and file a complaint as well.

**Commissioner Townsend** said if someone calls that number, though, well, okay, that's fine if you're the occupant, I guess. Does that apply to neighbors who may have a problem with the temporary occupants? **Mr. Hand** said that's correct. That information goes straight to staff.

**Commissioner Bynum** said I just have two questions for Mr. Hand. They're broad but we're on this topic. Transient guest tax, please refresh my memory. I knew it long ago when these short-term rentals first started, but it's collected, correct? **Mr. Hand** said it's collected by the platforms and then disbursed to the state, which ends up coming back to us, so yes. **Commissioner Bynum** said so, ultimately, we finally do get our transient guest tax off these short-term rentals.

Two things. I heard you say that the 200 foot requirement is a state law. So, there's yet another item when we make our laundry list of issues that we want to deal with regarding short-term rentals, that one is going to require that the state law change.

**Mr. Hand** said our ordinance can be more restrictive if you want, but I would just comment that we're wrapping up our research on the short-term rental effort right now. We've been coordinating with almost every jurisdiction who is also facing all of these issues. They're all a little different, depending on where you are. One of the questions actually that we were just asking each other in the planners' roundtable that we have collectively was, what is your notice and requirement for short-term rentals. In Missouri it's 185; in Kansas it's 200. No jurisdiction in the region has changed that for short-term rentals.

**Commissioner Bynum** said that's great. I love that you're gathering up all the research and information.

With regard to the transient guest tax, is it within our authority to charge a different rate than the rate that we set for hotel rooms? Is that within our—I'm wondering if we can add a percent. Speaking to Commissioner Davis's notion of a revenue source. **Mr. Hand** said I don't know. I'd have to research that for you. **Commissioner Bynum** said okay. Just a question for the list.

**Commissioner Ramirez** said I'll be very brief. Thank you, Mrs. Belarde, for taking the suggestion. I think that goes to Commissioner Townsend to what you were asking. She said that they will be back, I believe, this weekend or sometime in the future and she's going to take the suggestion of going around to the neighbors and personally introducing herself and providing her number and the property manager's number so that neighbors, if there are issues, that they can contact directly her or the property manager. So, I thank you for doing that. Again, that is going to go a long way for the Rosedalians that live in that area.

**Mr. Hand** said I apologize. I more thing. Behind you in the map that we're showing right now is from the Host Compliance website. Host Compliance shows short-term rentals that are both in compliance and not in compliance. As you can see, the next short-term rental, whether it's legal or illegal, is about four blocks away on Locust. There is no density in this part of Rosedale like there is in other parts of Rosedale, Strawberry Hill where we've had other issues with neighbors on these types of cases.

**Mayor Garner** said I believe we have a motion and a second for approval. Before I have the Clerk take that roll call, the Administrator would like me to rely to the Commission that she is going to explore a policy in line to that question, I believe, that was printed by Commissioners Ramirez, Davis, and Townsend, and somewhat of Bynum, to address some of these issues and try to get that to a standing committee in short order for this Commission to consider.

With that being said, we have a motion to approve and a second. Roll call, please, Clerk.

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

### **CONSIDERATION OF PLANS/ORDINANCES**

#### **Item No. 1 – 211898...AN ORDINANCE ADOPTING THE NORTHEAST KCK HERITAGE TRAIL PLAN**

**Synopsis:** Together with our partners at Groundwork NRG and MARC seeks to define a new heritage trail route from Kaw Point to the Quindaro Townsite. The Plan process has collected stories from across the Northeast community for future wayfinding and historical markers, aligns strategic multi-benefit trail and stormwater infrastructure investments, and promotes the equitable



development of the many underutilized parcels along the proposed route, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

and

**Item No. 2 – 211899...AN ORDINANCE ADOPTING THE MERRIAM CONNECTED CORRIDOR PLAN**

**Synopsis:** Together with our partners at KDOT, MARC, KCATA, and the Cities of Overland Park, Mission and Merriam seeks to expand multi-modal connectivity across the inter-jurisdictional corridor and identifies key locations for targeted redevelopment and reinvestment. The Plan identifies gaps in the Turkey Creek Trail network, key intersection improvements, gateway opportunities, and other strategies to create a more walkable, dense, and mixed-use corridor, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

and

**Item No. 3 – 211900...AN ORDINANCE ADOPTING THE GODOTTE COUNTYWIDE STRATEGIC MOBILITY PLAN**

**Synopsis:** Together with our partners at KDOT, MARC, KCATA and the Cities of Bonner Springs, Edwardsville and Lake Quivira seeks to implement the County's Complete Streets Ordinance and balance the transportation network for all users, modes, and abilities. The Plan identifies key trends that together with public input informs its strategies and action plan, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

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

**Gunnar Hand, Director of Planning & Urban Design,** said what we're going to do tonight is give one presentation for all three and then ask you to vote on each of the ordinances independently. We have the consultant here to give that presentation. It's not too dissimilar from the presentation that we had in July. It's been shortened up a little bit and consolidated so that both the Northeast KCK Heritage Trail, which we partnered with Groundwork Energy on that effort, as well as the Merriam Connected Corridor, which we partnered with the cities of Mission, Merriam, and Overland Park to accomplish.

I just wanted to say a couple of opening remarks before I introduce our speaker for his short presentation. Namely, that these three plans are effectively a little more than doubling of our long-range planning budget because each of them are a MARC planned sustainable places

grant. So, we put a little bit of money in; got a lot in return. We've been doing three concurrent planning processes over the last year worth over half a million dollars. That's what's before you tonight. This is a lot of work by staff, by our consultant, and with the community through a pretty tough period of time considering all that's going on in the world. So, I think that there was quite a bit of effort and I applaud our staff and others.

I think most importantly, this plan takes into account everything that this Commission and that this government has been trying to do in the year, everything from the infrastructure committee meetings have been incorporated into this plan, everything that other tasks force that we've engaged with is incorporated into this plan. There's alignment on the policy level, we think, with what we've been hearing from the commissioners, accordingly; but more importantly, there's an alignment within staff that, quite frankly, probably didn't exist before these planning processes in terms of how are we going to pursue many things, but more importantly, federal dollars that are coming down the pike right now like never before. Once in a generational opportunity.

We've also collaborated, again, with goDotte, with the cities of Edwardsville, Bonner Springs, and Lake Quivira to be a part of this process. That is also somewhat unprecedented in the Unified Government. We hope to carry on that collaboration with our other incorporated cities as we pursue federal dollars moving forward on these joint transportation projects. As we all know, the transportation networks do not end at political boundaries.

There's a lot of low-hanging fruit, quite frankly, in this plan as well as some dynamic transportation ideas incorporated. This effectively is the plan to implement the Complete Streets Policy that this Commission adopted about two years ago. What it does is, we hope, reframe how we view our public rights-of-way as our most valued open spaces. Right now, quite frankly, we value our public rights-of-way to move as many cars as fast as possible. That is both not good for economic development, not good for neighborhood integrity, not good for safety, as well as the environment.

If you look at our federal dollars currently allocated for funding in Wyandotte County, the vast majority of them are currently allotted towards freeway expansion and there is no congestion on our interstates. So, moving forward, this plan represents a reprioritization to provide a multimodal transportation system for all people, all modes, all abilities in compliance with our Complete Streets ordinance.

I also want to quickly note that we did receive a couple of letters of support that trickled in this week that we did not submit in your packets, so I'd like to bring them forward as references today. Those include letters of support from the Rosedale Development Association, the city of Bonner Springs, and the city of Edwardsville.

With that, I'd like to turn it over to Mr. Anthony Gallo, of Kinley-Horn, the Project Manager for goDotte, who, again, will present all three, kind of in one quick presentation.

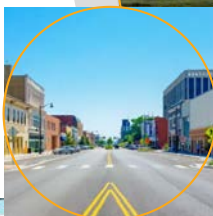
## Presentation to Board of Commissioners

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**Anthony Gallo, Kinley-Horn,** said I'm based just across the viaduct at Quality Hill in KCMO. I'm here to present on the goDotte Strategic Mobility Plan, as well as the Northeast KCK Heritage Trail Project, and the Merriam Connected Corridor Plan.

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WYANDOTTE COUNTY Strategic Mobility Plan

Again, all three projects are funded by PSP grants. I'm presenting on behalf of all three teams. Looking to have adoption on all three tonight.

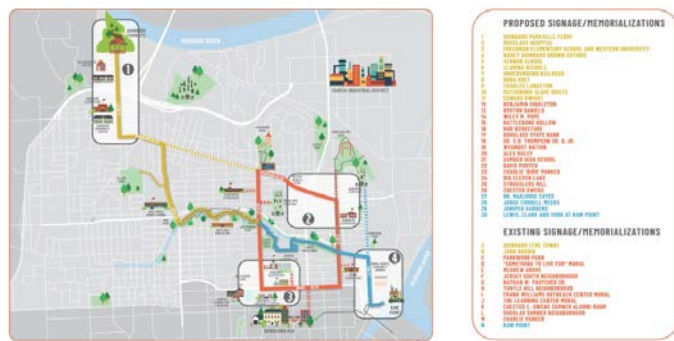


The Northeast KCK Heritage Trail Plan, the first one we're going to present.



Again, we want to recognize GroundWork NRG for their hard work on this. It's a plan built upon four main pillars: history, using preservation and memorialization to recognize the rich history of the area in Northeast KCK. Mobility, connecting residents and visitors to destinations in the area, all modes, all ages, and abilities. Environment, utilizing green space, creating new green spaces, and connecting to the river. Then economic development, promoting development without displacement, encouraging both growth and neighborhood preservation in the area.

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There's a lot of active community engagement as part of this plan. A lot of boots on the ground that really lead to the formation of the preferred trail route and the recommendations in this plan. The Heritage Trail is broken into three main components: the town trail is what you see in gold.

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It connects from 10<sup>th</sup> St. up to the Quindaro Townsite. It's focused on strengthening that connection between the neighborhood and the townsite. The heart trail is the red loop that goes between northeast KCK and downtown KCK. It's focused on encouraging that commercial and residential development, centered around parks and schools in the area. Then the river trail in blue, which connects the northeast KCK down to Kaw Point and then the river, utilizing green space along the way.

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WYANDOTTE COUNTY Strategic Mobility Plan

A few other elements from the plan that I just want to highlight. At the end of the plan, it has an equitable development scorecard. This is a tool for both stakeholders within the county, the UG staff, residents to use to evaluate larger development projects in the neighborhood and compare those against community defined principles. Those are branding and signage highlighting the placemaking in the area. There's an app that platform for folks to take a tour of the area right now and the project is recommended to be implemented in four phases as part of the plan. There are costs associated with each and potential funding strategies and grant opportunities and partnerships identified for each of those.



The Merriam Connected Corridor Plan.



Again, I want to acknowledge the Olsen team that led this effort. This was a joint effort with the cities of Merriam, Mission, and Overland Park. A lot of the work in the UG actually was previously done through some planning initiatives along Southwest Blvd.

Merriam Lane, the two-lane section with bike lanes is already there, as we're all aware along Merriam Lane. The plan identifies further opportunities for redevelopment and then some other amenities.



Within the UG, probably the biggest recommendation for folks to be aware of is expanding the Turkey Creek Trail, which currently exists in Merriam, bringing that up into the UG. There are parts of it that are in place now and parts that have been abandoned. Connecting that to north-south bicycle routes, creating more comprehensive bicycle network in the Rosedale area, and creating sidewalk connections as well.

I want to highlight at the bottom, green infrastructure, multiple benefits, stormwater infrastructures. This is looking at getting the most bang for your buck. It's sort of like knocking out two birds with one stone, investing in stormwater infrastructure and trails at the same time, getting multiple benefits out of investments. That's a cornerstone in both the northeast KCK Heritage Trail Plan, this plan, and goDotte as well.

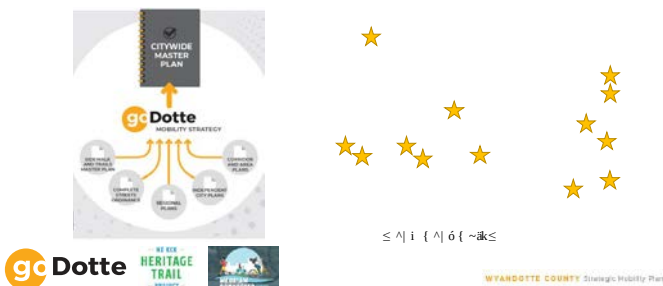


Finally, that leads to the goDotte Strategic Mobility Plan.

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Mobility Health Connectivity Community

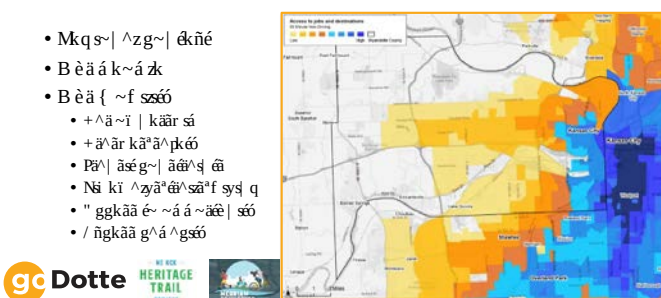
This is the one that I was part of the project team on. It's a countywide plan. Again, it includes Bonner Springs, Edwardsville, and Lake Quivira. It's going to be the segue. It's going to serve as the transportation element as a segue into the Citywide Master Plan update starting later this year. Coordinated strategy countywide. Paradigm shift, again, at the implementation of our Complete Streets ordinance so looking to open up the design criteria for all modes, all abilities, and provides a single unified location building off a long legacy of system plans, several recent plans in the county including two that I'm presenting on tonight.



Just to highlight some of the previous planning efforts. I know it's a little tough to see. It should be a map of the county. Corridor plans across the county, area plans like the Armourdale Master Plan that was approved last year, independent city plans from Bonner Springs and Edwardsville, regional planning efforts, transit planning efforts across the region, and MARC's Climate Action Plan provides an update to the Sidewalk and Trails Master Plan across the entire county. Again,

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it's the implementation of the Complete Streets ordinance and will lead to be the Citywide Master Plan coming out.



Our whole plan is built upon a foundation, a report that we published about a year ago assessing the state of play of mobility in the county. Director Hand emphasized a lot of this a few minutes ago. I just want to reiterate a few points again. I presented on this a month ago, but just a few statistics. If you take away a couple of things from this presentation.

The auto-centric design, the auto-centric layout of transportation, infrastructure here in Wyandotte County, 4,000 crashes a year, 5,500 houses without access to a car, sidewalks that in the eastern part of the county are falling apart or you can't even tell that they're there in a lot of places and nonexistence in the central and western part of the county make it pretty tough to bike or walk anywhere.

Transit, very limited. Sixty-minute headways or greater on most routes in the county. So, if you can walk to a bus stop, you might be waiting for a while. All this gets to a metric that we—a quantitative metric we established for this project on access to opportunity, which is how many jobs and destinations can I get to in 30 minutes from my house. What does that look like if I have a car versus if I don't have a car. If you don't have a car, that's the map you're looking at right here. Essentially, the number of jobs and destinations that you can get to if you don't have a car in Wyandotte County, walking, taking transit is very limited unless you live in the far eastern most portions of the county where there's more of a sidewalk network and higher transit frequency.

Director Hand also mentioned lack of congestion. Another term we've used, excess capacity. This is pretty unique, honestly. I've worked on transportation plans all around the country and to be in this close proximity to a major metro area and not really having congestion on our roadways—in a lot of cities, congestion is certainly a problem. It comes with its own set of issues. But it's also reflective of economic development. Here, in Wyandotte County, there's



areas where roadways are overbuilt. That has negative, often unintended consequences, but the bill is coming due in some ways with lack of ability to maintain a lot of the roads that we have. Maintaining those roads does offer opportunity for retrofitting or reimagining what some of these corridors may look like.



Our Strategic Mobility Plan is built on five big ideas: Safety first. Eliminating traffic deaths, and protecting all of our residents, moving forward with a grant application for infrastructure bill funding to do a vision zero action plan, and implement safety improvements around the county.

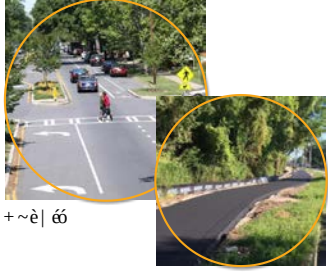
Street Design 101. Looking at streets again at building blocks of our community, not just conduits. We're moving cars. Associated with that, we're recommending an updated set of cross-sections based on areas of the county and type of roadway.

Next-level transit. Recommending moving forward with regional transit initiatives. Recommendations here namely fast and frequent service along State Ave. and the 7<sup>th</sup> Rainbow corridors, 15-minute service or better along those corridors.

Associated with that, prioritizing connections, building out and maintaining sidewalks, bikeways, and trails. We did provide an update to the countywide aspirational sidewalk, bikeway, and trail network. Coordinated with Public Works and with the independent cities.

Finally, investing in opportunity corridors. As a segue into the Citywide Master Plan, coordinating land use and transportation, transit and trail orientated development along specific targeted corridors. Again, State Ave., 7<sup>th</sup> St. & Rainbow Blvd., and then K-32, Kaw Dr., Kansas Ave. heading out to Bonner Springs and Edwardsville, as well as the Northeast KCK Heritage Trail.

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goDotte NO RISK HERITAGE TRAIL PROJECT WYANDOTTE COUNTY Strategic Mobility Plan

Again, what does the plan include in terms of specific action items that come out of it? There's an update to the Sidewalks, Bikeways, and Trails Master Plan. An update to recommended cross-sections as part of the Streets Master Plan. There's an updated set of policy recommendations including internal policies within the UG across different departments. A series of action items, many of which are already underway. Seeking out funding opportunities, as Director Hand mentioned, the infrastructure bill. The county's uniquely positioned, honestly, for specific types of funding. Again, this will be a segue to the Citywide Master Plan starting later this year and ultimately create a—we view this as a lasting process for Wyandotte County. This will be revisited again. I think your vision is ten years from now, but transportation is a community asset. It's something that needs to be continuously invested in and maintained and strengthened.

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goDotte NO RISK HERITAGE TRAIL PROJECT WYANDOTTE COUNTY Strategic Mobility Plan

So, with that, next steps. Again, moving into the Citywide Master Plan as this is the transportation element of that plan. Looking for adoption of the goDotte strategy tonight, and then moving forward with implementing these various strategies one investment at a time.

Thank you!



Thank you for your time.

**Mayor Garner** asked, do any commissioners have any comments or questions?

**Commissioner Townsend** said thank you, Mr. Gallo and Mr. Hand and to all of the entities and partners that participated in putting together the Northeast Heritage Plan, the goDotte, the Connect, all three of these. One of the four pillars that was mentioned with regard to the Northeast Heritage Trail made mention, Mr. Hand did, of marking history. They'll be physical evidence of what happened at different places; their significance. Talked about mobility and connection, environment, making use of green spaces, and economic development because as you go from these points across the city slows you down, you'd be more likely to become aware of economic opportunities to deal with local businesses, spend your money.

My question is the connection between the mobility plan and some of the transit opportunities that you mentioned. How would that benefit or is that connected also to the Northeast Heritage Trail? So, transit and mobility, would there be benefit arising from that coupled with the Heritage Trail on the northeast end?

**Mr. Hand** said quick answer, absolutely. By providing additional or enhanced bike/walk opportunities and connectivity across the northeast, that will get folks to sometimes we refer to it as the first and last mile. It helps provide access to transit stops and locations. Again, if you look at the map, we know we have transit on Quindaro. We know we have transit on 10<sup>th</sup>, 7<sup>th</sup>, and a couple of other units. So, yeah, there's a bunch of different locations here where this trail crosses transit routes.

**Commissioner Ramirez** said thank you and Gunnar and your staff for all that you did to pull this together. I know it was probably a lot to have three different plans running at the same time and

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trying to coordinate and put everything together. I like that it, especially with the goDotte, it's—as you said in the slide, it's a single, unified transportation policy for the Unified Government. I like that we have that because it seems now that our federal government is more leaning towards infrastructure and more transportation. I think us having a unified policy of how to do that and if years to come, or a year or two, there's more money that comes out of the federal government for transportation purposes, we have a plan, one plan to go to, to be able to effectively leverage all of those federal dollars. So, thank you for all that you have done.

Where can, if anyone in the community, the public wanted to read these plans, where could they go?

**Mr. Hand** said they're on our website right now. **Commissioner Ramirez** said they're on the website right now. Okay. And it would be under the Planning Department? **Mr. Hand** said the easiest thing to do would probably be to Goggle UG Planning & Urban Design, that will take you to our main landing page, and it's on that main landing page under Ongoing Projects.

If I may, Commissioner. In response to your comments, I think it can't be overstated enough that we have about seven or eight corridor plans that, quite frankly, we've never looked at since completing them. This plan sort of incorporates them by reference, just like it incorporates the Heritage Trail and the Merriam Connected Corridor Plan, which is effectively an update of the Merriam Lane portion of our Southwest Blvd./Merriam Lane Corridor Plan into a single document. It also gleans all the transportation policies from all of our citywide and area plans into a single document. It's the beginning stages of rethinking how we do one long-range planning in this community, and then follow-up with the Citywide Master Plan Area Plan, so on and so forth.

The other thing I want to mention is too often—we're guilty of this, but every city is guilty of this—too often we chase projects when funds come up. Right now, this plan represents, goDotte specifically, represents projects that we've prioritized. When funding opportunities come up, we know what we want to do. That's a big difference in what we've been doing.

**Action:**        **ORDINANCE NO. O-110-22**, “An ordinance approving the Northeast Kansas City, Kansas Heritage Trail Plan.” **Commissioner Bynum made a motion, seconded by Commissioner Davis, to approve the ordinance.**

**Mayor Garner** said I just had a quick question. I appreciate the presentation. Good information for us. Can you give me a little bit more insight on the policy related to equity and economic development and how this all ties in?

**Mr. Hand** said if you look at, in particular, our high priority corridors, they do reflect both geographic diversities, but they also took a hard lens on equity, which is why most of those corridors are reflected on east of 635. They do represent State Ave., of course, which is effectively our backbone “main street” if you will. Equity was a lens by which we did all of these plans. It’s a lens by which we do all of our work in the Planning & Urban Design Department.

In terms of economic development, public investment encourages private development. So, if we focus on—turn our focus away from spending to investing, I think that will reap all kinds of rewards. We’ve been planning State Ave. as our primary transit corridor with greater densities for the last ten years. Nothing’s happened. So, I think refocusing on that corridor, in particular, as well as 7<sup>th</sup> St. and the others mentioned, Quindaro, Northeast Heritage Trail, and others, Northeast KCK Heritage Trail, excuse me, and others will do that. So, I think that this is a balance that we’ve worked closely with Public Works on. How do we both maintain our existing roadways and invest in these corridors. And we worked closely to develop that policy accordingly.

**Mayor Garner** said my last question. I’m big on being community-driven and really connecting with the residents and the community groups as well as the businesses and so they might be affected by these types of projects. To what extent did you all do that type of work?

**Mr. Hand** said I’ve said this before, you can never do enough outreach. We did have a steering committee. We did have a mobility summit where we called folks together. Because we were doing all three at the same time, we believe that we didn’t—like whenever we had a Heritage Trail Plan, goDotte was there. Whenever we had a goDotte Plan, Heritage Trail was there. So, we leverage the fact that we were doing three plans at once to optimize how much outreach we could obtain, how many people we could reach for all of those issues.

We worked with Livable Neighborhoods and all of our NBRs to spread the word about what was going on. Obviously, we coordinated with all the incorporated cities. I think we did a yeoman’s job trying to get out and engage, but I will recognize that, again, it’s never enough. I think what we will continue to do, if adopted tonight, what we’ll continue to do as this plan becomes projects, obviously, we need to keep doing outreach as these things become real things.

For instance, in the last two weeks, it was announced that the Raise Grant for the bi-state corridors is happening. It was awarded; funding. We're going to work with MARC on that effort and work with the communities. Again, we've identified state. State was a big part of that bi-state corridor. As we enter that planning process, we'll continue to do more outreach. So, it's the beginning, not the end, by any means.

**Commissioner Davis** said I'll be brief. Along with these plans, are you all making funding recommendations or budget requests? Is there a correspondence between the plan that's been adopted and then putting some actual dollars towards it, or are we still kind of on the conceptual level?

**Mr. Hand** said it's a little conceptual still at this point. It's meant to be at 30,000 feet and then we dive a little deeper as we, again, do these other projects with MARC or we continue to do area plans and things of that nature, right? So, we'll dive deeper into it.

I think what we also did with Public Works was align the policy and the plan and how we would approach it with the CMIP process. So, if approved tonight, all of those priority corridors will be added to the CMIP and will become a part of the conversation that you guys take forward and discuss that.

I can't stress enough. You've heard it from the auditors, you've heard it from me, you've heard it from others, when you adopt these plans, sure it's staff's responsibility to keep reminding you, but I would encourage our elected officials to refer back to those plans. We've heard many times you need to update and uphold your plans. Too often plans get written and pushed to the shelf because a whole host of issues, antidotal requests, politics, whatever, right? But it is—I'm the planner in the room saying these words so take it with a grain of salt.

It is the foundation for you guys to have ongoing conversations about what to spend money on. Again, goDotte represents a refocusing on scattershot spending to maintain a network that's overbuilt to focusing on reinvesting on theses corridors so that we can actually move the needle. This scattershot approach will not move the needle.

**Commissioner Davis** said if I can make recommendations. I would love for, as we have budgetary conversations, I know there's so many things that we can spend money on, but in order for us to get the bigger bang for our buck, and I'm sure we paid a pretty penny, right, for you to be here as well, I think it would behoove you all to kind of work with Public Works to get in the CMIP process. That way, at the very least, we can begin having these conversations and putting

real dollars. I've seen us have kind of the opposite reaction, right? We actually have the plans but there's not a lot of budgetary requests and then the developers come and they want to do something that's different than the plan and now we have a problem. I'd rather put the investment in, but the investment cannot be made if the requests are not coming to us. I'm asking you to ask us for more money. Please do that.

**Commissioner Bynum** said as we're dealing with a motion on the Northeast Heritage Trail Plan, I would just point out that plan is long and it's interesting, 159 or so pages. There's a lot of detail in this plan. A lot of work done by Groundwork NRG, Urban Planning, the consultant, and the community throughout a whole variety of community events that were held during a pandemic.

If you begin on page 73 and go to about page 78, you will see quite a bit of detail included in the plan about recommended anti-displacement strategy and affordable development scorecard based among the four pillars of the plan. So, quite a bit of work has been done there. I just wanted to take a moment and point that out.

**Mayor Garner** said just to follow-up on my comment. It sounds like, in relation to my question, that you've done some outreach, which is good, but maybe it's not as comprehensive as you would like it to be. I just encourage you all, with these types of plans, to just make sure that we're doing our best to make decisions with the community and not so much for the community, with a lot of these types of initiatives that are really going to have a profound impact on communities and our residents.

The last thing, just to piggyback off the commissioners talking—Commissioner Davis talking about the funding. I think sustainability is something we need to think about too. That goes in line with Commissioner Davis's comments when you talk about budgeting. So, long-term, how do we sustain these projects long-term as far as funding so the signage can be maintained, the trails can be maintained and we don't end up with another scenario of crumbling infrastructure from these really positive ideas.

**Commissioner Townsend** said I do want to share again that with the Northeast Heritage Trail, particularly, there were lots of outreach attempts in the midst of COVID. Zoom calls inviting area neighborhood groups. I remember early on getting on with some that had up to at least 30. Different individuals hosted front porch discussions and talked about heritage and their

neighborhood and different things they thought worthy to be included in the plan. So, I wanted to make sure that the outreach efforts that were undertaken were given their props. There were quite a few of them.

One of the things that was said by Mr. Gallo and Mr. Hand in their presentation tonight that was appealing to me, as we're in the budget process, is that these would be given priority with grants. So, I don't know if the CMIP, consider would we cut on the CMIP already, might be the best spot for them initially, but certainly worth considering. But, again, I think the object was to be ready when these funding opportunities became available, not just let them be used willy-nilly so to speak. We have a plan.

**Mr. Hand** said if I may, Mr. Mayor. Last spring this Commission outlined about, I think, ten different projects that you wanted us to pursue federal funding dollars for. That's what this plan is.

**Mayor Garner** said we have a motion and a second to approve Item B1, an ordinance adopting the Northeast KCK Heritage Trail. Is there any further discussion? Seeing none, roll call, please.

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

**Action:**        **ORDINANCE NO. O-111-22**, "An ordinance approving the Merriam Connected Corridor Plan."    **Commissioner Bynum made a motion, seconded by Commissioner Davis, to approve the ordinance.**

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

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

**Action:**        **ORDINANCE NO. O-112-22**, "An ordinance approving the goDotte Countywide Strategic Mobility Plan."    **Commissioner Bynum made a motion, seconded by Commissioner Davis, to approve the ordinance.**



**Mayor Garner** said there's a motion and a second. Any further discussion? Roll call, please

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

**Item No. 2 – 211899...AN ORDINANCE ADOPTING THE MERRIAM CONNECTED CORRIDOR PLAN**

**Synopsis:** Together with our partners at KDOT, MARC, KCATA, and the Cities of Overland Park, Mission and Merriam seeks to expand multi-modal connectivity across the inter-jurisdictional corridor and identifies key locations for targeted redevelopment and reinvestment. The Plan identifies gaps in the Turkey Creek Trail network, key intersection improvements, gateway opportunities, and other strategies to create a more walkable, dense, and mixed-use corridor, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:** This item was previously heard in conjunction with Item No. 1.

**Item No. 3 – 211900...AN ORDINANCE ADOPTING THE GODOTTE COUNTYWIDE STRATEGIC MOBILITY PLAN**

**Synopsis:** Together with our partners at KDOT, MARC, KCATA and the Cities of Bonner Springs, Edwardsville and Lake Quivira seeks to implement the County's Complete Streets Ordinance and balance the transportation network for all users, modes, and abilities. The Plan identifies key trends that together with public input informs its strategies and action plan, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:** This item was previously heard in conjunction with Item No. 1.

**Mayor Garner** said that concludes the Planning & Zoning portion of tonight's meeting. We will now move to the Regular portion of our agenda.

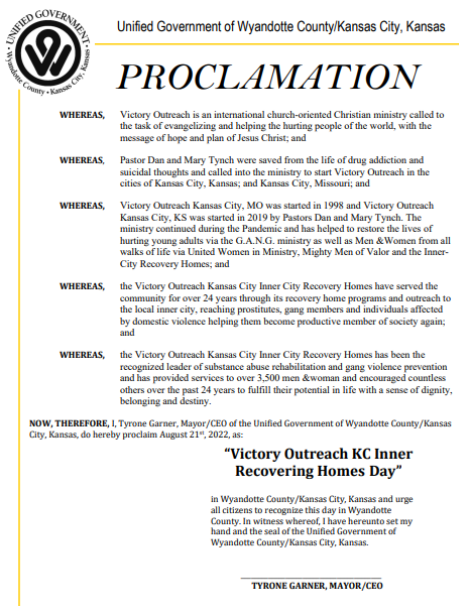
**MAYOR'S AGENDA**

**Item No. 1 – 211923...PROCLAMATION: VICTORY OUTREACH KC INNER RECOVERING HOMES DAY**

**Synopsis:** Proclamation proclaiming August 21, 2022, Victory Outreach KC Inner Recovering Homes Day, submitted by Tyrone A. Garner, Mayor/CEO.

**Mayor Garner** asked, Clerk, could you please make the announcement for Item 1?

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



**Mayor Garner** said we’ve got the pastor here. If you’d like to come forward and just really describe to the Commission on what you all have brought to Kansas City, KS, when you talk about outreach. Just being a police officer and knowing that we can address the symptoms of crime, but I believe what this faith-based organization is trying to really get to the root causes and to try in an effort to improve people’s lives. So, if you can speak to that, Pastor, and thank you.

**Pastor Dan Tynch** said first of all, I want to thank all of the commissioners and everybody that’s here, also you, Mayor. I thank you guys for this opportunity for us to be able to partner with you and help the city with drug addiction and prostitution and bring this to a lower amount of disgrace that’s attacking the city. One of the things that we do, we do this worldwide. We don’t just help the people and give them the message, but we bring them into free housing and we help them to

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get on their feet and in the end, some of the community companies they hire some of these people that were once addicted and messed up.

We've been doing this now for over 50 years in 30 different countries throughout the world. We've got endorsements from many of the presidents, vice-presidents, and different people all around the world. Now we're partnering with Wyandotte to go all throughout Wyandotte County and do the same thing that we've done in Missouri and now we're going to do this throughout Wyandotte. Not just in Kansas City, but we want to go through Wyandotte. It's hurting people everywhere. God has changed my life and I take this message to everyone, not just—we take the Gospel, that's what we use. It's the message of hope, the plan of Jesus Christ, but we don't give them medicine and none of those things. We believe that God is able to deliver them if they believe that he truly can. It has happened so many times since we've been here in Missouri.

We've got over—maybe we've reached over 3,000+ people within Missouri and the Kansas City, KS, area already. We've been here only three years and we've got people right now in the church. The church is exploding right there on 13<sup>th</sup> & Ruby in the Argentine area, and we've just been there a short time. Even dealing with the pandemic, we've reached so many young people. It's evident if you get a chance to go by and see all of these wonderful lives have been changed in just a matter of a short time. It would be worth your time.

If I could tell you anything, I'm not here for any other reason but to support what you guys are doing and this agenda here in Wyandotte County. It's an epidemic of fentanyl that's going through these cities and nobody really has a plan on how to do it, but I believe that Jesus has the plan and I believe that He is using our ministry and He's using these young people to turnaround and go back and help all of these individuals throughout every part of the city, throughout Wyandotte County.

My agenda is to push this as much as I can. I don't know—many of you I haven't met personally, but I thank God that I'm here today because I met some of you and I've met the Mayor and different people and I'm very excited about what we can bring to Wyandotte County to help people.

Right now, we have 10,000 people currently in some form of recovery throughout the nation of the United States of America and these 30 different countries, 10,000 people right now. If you look it up, we're currently the number one substance abuse Christian program in the United States and we're just getting started in Wyandotte County.

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I need your support in just getting the word out. That's all I need you to do is help me get the word out and maybe if I can partner with maybe the Police Department and different people that needs this support because we can lock them up, but what can we do afterwards? They'll go back and repeat the same thing because that drug calls people. When it calls you, they're going to come a running. Whatever they've got to do to get it, they will get it. Fentanyl is killing not just people; they're putting it in—it's killing kids. They're putting it in gummy bears. They're putting it in brownies and all kinds of things and it's like the number one killer right now. There is no cure. If you don't get delivered, you die from it. That's just as simple as that.

That's what we've been doing. We've helped so many people recover from drugs and get set free. It's a free program that we're offering. It's free. They come nine months to a year free. If they do all the things that are required, some of the companies that we're affiliated with, they hire them, bring them on, and help them throughout life.

So, my agenda is I want to see one of these places in Edwardsville, every place that Wyandotte's got—Booneville, every place where Wyandotte has a city at, I want to partner and I want to be a part of this. Mayor, that's what I want to do.

Is there anything that anybody would want to say about the fentanyl or any of these things?

**Commissioner Townsend** said, Pastor, I have not met you, but thank you for your work and effort. Here's an opportunity. You asked us to help get the word out, so here's your opportunity because this is being televised, taped. How would people get in touch with you? Also, if it's in order, like to see everyone who came with you just rise and be recognized. Thank you for staying so long with us. So, what's that address, Pastor?

**Pastor Tynch** said the address is 1154 Ruby here in Kansas City, KS. Then, also, we have another address right across the river at 2547 Jackson in Kansas City, MO. **Commissioner Townsend** asked, is there a phone number, website? **Pastor Tynch** said 816-921-9800 is the phone number where you can reach both facilities. Then we have a facility for men that we currently have over 25 people enrolled in the program right now. Then we have a house for women that we're getting off the ground as we speak. We've got 16 beds available right here in Kansas City, KS, for all of Wyandotte. So, I'm doing two different states at once. That's what's happening currently at this time. The website is [victoryoutreach.org](http://victoryoutreach.org). You can see us what we do worldwide and you can go [victoryoutreachkansascitykansas](http://victoryoutreachkansascitykansas) and you can go [victoryoutreachkansascitymissouri](http://victoryoutreachkansascitymissouri).

**Commissioner Townsend** said thank you so much for what you've done and all of those who are supporting you.

**Pastor Tynch** said some of those individuals you see there, they came in one way and you don't know who they are right now, but they used to be a little bit different on this side. It's an honor to be here in this place in your presence never knowing that we would be a group of people that we would be standing before you telling you that we want to partner and help this county do better. You're already doing a great job, but we want to just assist you in some areas that I'm pretty sure that some of you aren't really familiar with.

**Commissioner Bynum** said I just didn't get your name. **Pastor Tynch** said my name is Dan Tynch. It's kind of new to me. I've stood before commissioners and mayors before, but I seem to be politically incorrect. Just roll with me a little bit. I believe in evidence and I just talk.

**Mayor Garner** said, Pastor, thank you so much and thank you to Victory Outreach. We appreciate your time and really looking forward, at least all of us here in Wyandotte County, what you can do and in partnering with you to help Wyandotte County become a safe and great place to live, work, and raise a family like we've always said. So, thank you so much and thank you Victory Outreach.

**Action:**        **The proclamation was read.**

#### **Item No. 2 – 211924...PRESENTATION: STATISTICAL ANALYSIS**

**Synopsis:** Presentation by Geoff Vandeusen regarding statistical analysis of commission meetings, submitted by the Mayor's Office.

**Mayor Garner** said Geoff Vandeusen was an intern that was brought on by our County Administrator and he went around to a lot of departments and observed and he came back from

college to give this presentation to just outline some of his observations on the political climate here in Wyandotte County. That was kind of his research from just an impartial perspective.



**Geoff Vandeusen** said for those who don't know me, I was a legal intern hired by the County Administrator's Office. I do have a little bit of a soapbox here so I might get some things off my chest. I came here from Drake University all the way up in Iowa. I did have to leave class 30 minutes early today, but I don't think my state and local government professor really minded that I came here today.

Another thing is, I just wanted to say thank you to so many people here in this room today. I had the most fulfilling summer I think that I could. So many people took time out of their busy, busy schedule to mentor me, to give me education. It is really honestly inspiring to see the level of passion and affection that each and every single one of the people in this room whether it be staff or it be commissioners or be the Mayor or County Administrator has for the people of Wyandotte County. I'm going to take this inspiration, hopefully, into a government job one day. So, thank you so much. I really, really do appreciate it and I am eternally grateful. I will never

forget the lessons I learned here at the Unified Government. Fantastic. So, now let's jump right into the legislative scorecard.

You've probably seen several variations of what a legislative scorecard is. Votes yes, votes no, things like that, but I decided to focus on votes that were unanimous on the full Commission meetings. We'll get into kind of why.

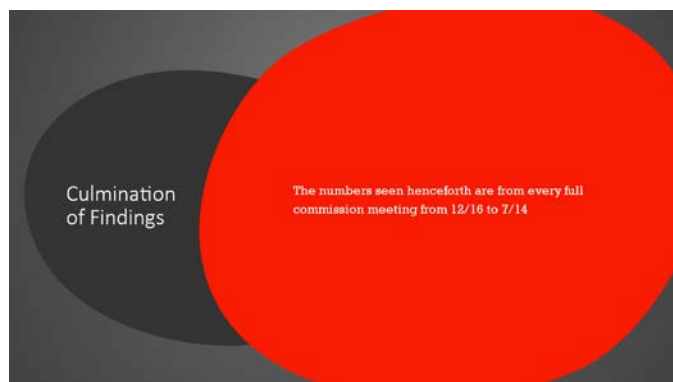


I'm going to go into some statistics, analysis, and recommendations, but my overall theme here is cooperation.

There's been challenges. I've seen at full Commission meetings to come to a unified consensus. Lots and lots of spirited debates, but I—and with politics and government, there's a lot of negatives. I'm not here to focus on the negatives. I'm here to shed light on the positives that I saw this summer. How much actually everyone here agrees with one another that I saw.

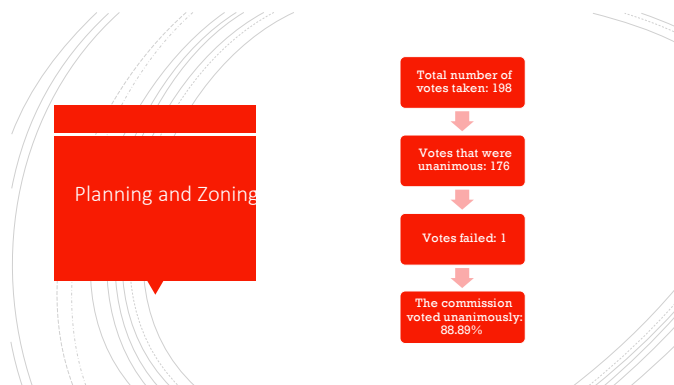
As many of you know, it takes everyone to get a piece on the agenda to the full Commission meeting. It requires staff. It requires the Mayor. It requires the County Administrator. It requires the commissioners. So, yes, we're going to be highlighting unanimous

votes here, but we have to keep in mind that it takes every single person in this room to get something to the full Commission meeting.



The culmination of my findings are from 12/16 to 7/14. Going back up to Iowa and moving has been kind of consuming to say the least, but I have been able to watch the Commission videos since 7/14 and it would not have changed really the culmination of my findings here too much, statistical numbers between 1 and 5% at most. The main theme here is still the same.

I've watched every single full Commission video between here. You've seen me actually here several times late Thursday nights; and with the help of the Clerk's Office, thank you so much, I was able to get the action agendas and actually tally up the votes and do all the work for these numbers.



We're going to go first onto Planning & Zoning Committee. This incorporates everything from special use performance to ordinances to the Consent Agenda. This is going to seem like a lot of numbers, and it is. I think we have to realize just how many things actually do pass.

With the Planning & Zoning Committee, there were 198 votes; 176 of those were unanimous, 1 of those votes failed. The Commission voted unanimously 88.89% of the time. If



we all remember, the one vote that failed was the 505, which is actually coming up tonight, which actually might, in deed, pass in the future.

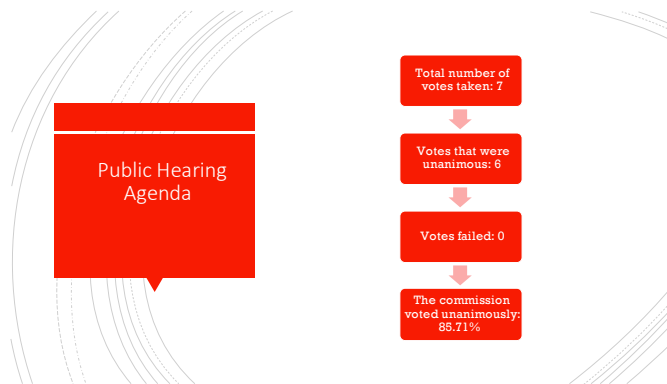


Next, we'll go to the Mayor's Agenda. There were 14 votes taken; 10 were unanimous, 1 vote failed. The Commission voted 71.34% of the time unanimously. Remember, the one vote that failed was safe and welcoming. If we all remember, though, actually, if we think about it, it actually didn't fail because the actual vote that failed on the Mayor's Agenda was the vote to push it back to standing committee was the actual vote that failed, so everything so far on the Planning & Zoning, with the 505 that's coming up, the Mayor's Agenda actually—Safe and Welcoming, did end up passing. If we remember that these are votes unanimous. These aren't votes yes. There aren't votes that went through. These aren't votes that failed. These are votes 10-0, 9-0, and 8-0.

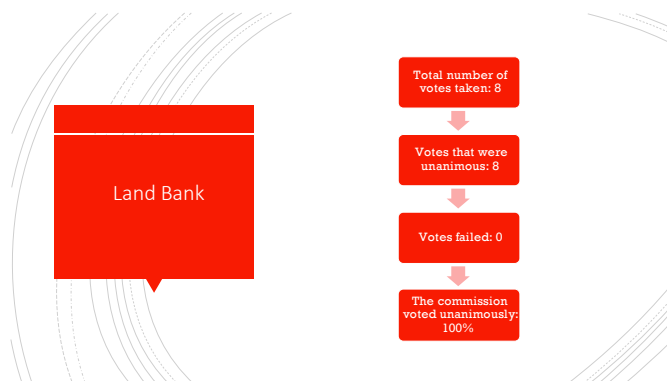


Now, we go into the Consent Agenda. As many of you know in this room that there can be 4 items, there could be 6 items, there can be 20 items, there can be 1 item. They're voted all on the same time. 81 votes were taken; 74 of those votes were unanimous; 0 votes of those failed. The

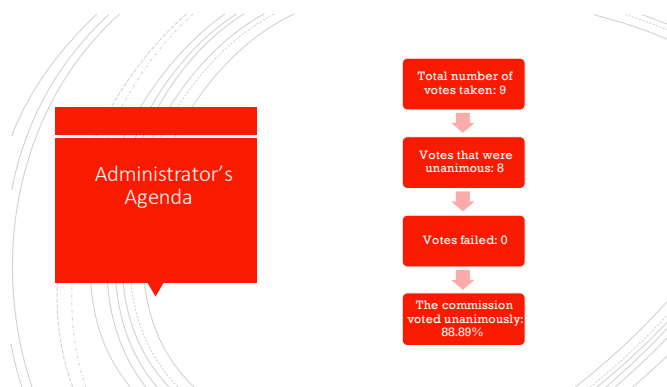
Commission voted unanimously 91.36% of the time on the Consent Agenda unanimously. There's a common theme here. I'm sure you're starting to suspect the common theme here.



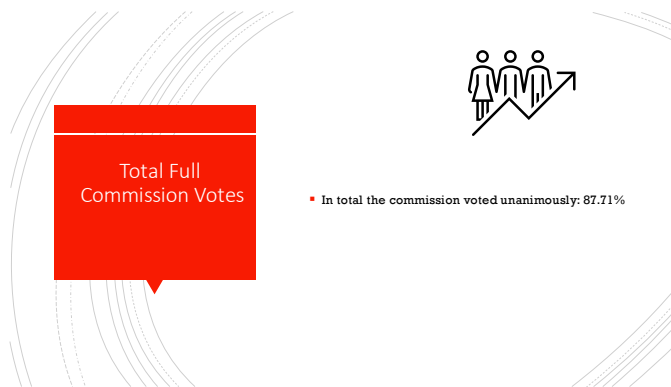
The number of votes were taken were 7. Votes that were unanimous were 6. Zero votes failed. The Commission voted unanimously 85.71% of the time.



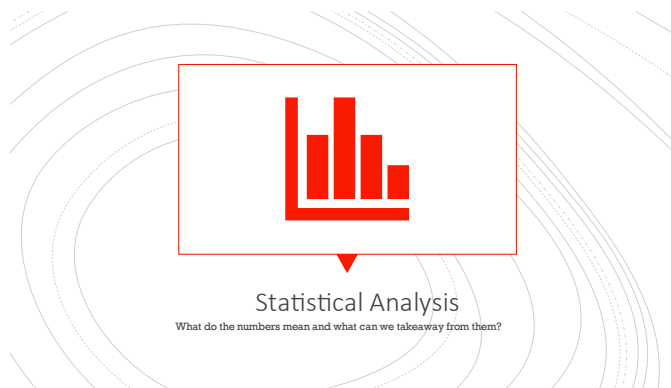
Land Bank Agenda. The number of votes were taken were 8. Votes unanimous were 8. Votes failed, 0. The Commission voted unanimously 100% of the time.



The Administrator's Agenda. Number of votes taken were 9; 8 votes were unanimous, 0 votes failed. The Commission voted unanimously 88.89% of the time.



In total, 250+ votes, the Commission voted unanimously 87.71% of the time. Again, let me reiterate, that's not votes that passed, but one's votes yes. Those were 10-0, 9-0, 8-0.



What does this mean? Let's go into a little bit of statistical analysis and what this means to a humble intern from an outside perspective looking in, that got to be able to work with commissioners, with the County Administrator, with the staff, with the Mayor, is that you all really do agree on where to take Wyandotte County, on what is going on, and how to take in the direction that Wyandotte County should go.

If we remember how things get on to the full Commission, whether they go through the commissioners and full standing committee, whether the County Administrator puts items onto the agenda, whether staff puts on items on the agenda through Planning & Zoning, or the Mayor puts on things through his agenda. All levels of government are putting items onto these agendas and the Commission is voting for them 87.71% of the time. That's approval on those unanimous votes.

There can be spirited debates. There can be challenges to come to a unified consensus. It's hard to forget sometimes on just how much everyone in this room agrees with one another. I think that's important because that's really what I saw out of watching all of these full

**August 25, 2022**

Commission videos, after going to standing committees, after working with you for 40 hours a week during the summer. For my first legal internship, that's what I saw behind the thin veil was a consensus. I think that's really important today and something we can all take away today.

Thank you for listening to me and thank you so much for this summer. I really do appreciate it.

**Mayor Garner** asked, are there any questions for Mr. Vandeusen or comments?

**Commissioner Ramirez** said I remember meeting with you and you asking me questions. I will say some of those were pretty tough because it's like I didn't have an answer right away. It took me a minute to think about it. It's amazing because we're here almost every other Thursday. One Monday of the month we're here for standing committee, and we take these votes. I like seeing the number of how many we do within such a small period of time. I like how it shows that with every form of government, no matter local, state, federal, you're always going to have, as you worded, spirited debates. We see it in our state house. We see it in other federal government, in Congress, and the State Legislature. Of course, you're going to see it here in the local government. But I like how you show that the majority of the time, we are in consensus.

I think one of the things I told you, one of the most important things about being in government is compromise. Nothing's going to get done if we have two sides and we see this more so in the federal side, we have two sides who are so deep in their ideology that they forget to work together. Find that compromise. In local government, we don't have to worry about that being part of one party or the other, we just work together.

Thank you for—this is kind of reminding me of why I'm here and why I want to build that consensus. I want to create that compromise between us, as a Commission, because each and every one of us—I say each and every one of us has the same vision and that's to make Wyandotte County better. We each may have a different way of getting there, but that's where that compromise comes. So, thank you and I am glad that you were able to learn. I look forward to seeing you in government.

**Mr. Vandeusen** said thank you so much for the comments. I think it's important to remember that it is—that these votes, that these unanimous votes aren't simply just stamps of approval by the Commission. These are pieces of legislation on the agenda that had been vetted by the

standing committee. A lot of the times that they're on the Mayor's Agenda or the County Administrator's Agenda that they didn't go through full standing committee. These are items that may be somewhat the Commission hadn't heard a lot through or hadn't been vetted by them. So, even when it goes to the Mayor's Agenda or the County Administrator's Agenda, you are all largely agreeing on the same things in a way that Wyandotte County should go. You all have done amazing, amazing things. I've seen personally for the people of Wyandotte County.

**Commissioner Bynum** said I just want you to know I love that this was your project. I just love it. You're going to be a great lawyer. Wyandotte County has the ability to really grow on people. So, I look forward to when you graduate with your law degree, that you find your way home to Wyandotte County as a young professional. We will look forward to seeing you, hopefully, before then, but certainly once you are an attorney. Thank you.

**Mayor Garner** said I think what really stood out to me was just the work you did. We had some ProX kids come in. They were high school kids and he really just took to the kids, spent a lot of time with them. I know he talked about how staff and folks from the Mayor's Office and our Commission, and even folks in the community mentored him and really taught him about Wyandotte County, but just seeing him at work and how he mentored and poured into these young people that were really just trying to learn all about government and really just trying to build on that experience as they walk into their lives as they come from high school. I appreciate that what you've done as well.

Yes, you've got a bright future as an attorney. We welcome you back to Wyandotte County. Thank you for your service here and for the work you've done and for this presentation. It's both valued and appreciated. Good luck to you and wishing you all the best.

**Action: For information only.**

**Mayor Garner** said No. 3 is a presentation by the District Attorney's Office. Has that been blue sheeted off? Okay. We'll move on past that.

## **REGULAR CONSENT AGENDA**

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

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

**Mayor Garner** said no set asides. I’ve got a motion and a second for approval. Any further discussion? Seeing none, roll call.

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

**Item No. 1 – 211863...ORDINANCE: CLARIFICATION OF BOUNDARIES OF STAR BONDS FOR LEGENDS**

**Synopsis:** Ordinance correcting an error in the legal description and map pertaining to the Village East STAR Bond District to properly reflect the original District boundaries previously approved, submitted by Patrick Waters, Deputy Chief Counsel. On August 8, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.

**Action:**        **ORDINANCE NO. O-113-22, “An ordinance amending the boundaries of the star bond district commonly known as Village East in the city of Kansas City, Kansas.” Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 2 – 211919...NOMINATIONS: BOARDS AND COMMISSIONS**

**Synopsis:** Nominations for Boards and Commissions:

- Roderick McConnell to the Housing Authority, 8/25/2022 to 12/15/2025, submitted by Mayor Garner

- Jacques Barber to the Housing Authority (Re-appointment), 8/25/2022 to 12/15/2025, submitted by Commissioner Kane
- Matt Watkins to the Housing Authority (Re-appointment), 8/25/2022 to 12/15/2025, submitted by Commissioner Stites

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

**Item No. 3 – 211920...PLAT: SUBDIVISION FOR HYINK ADDITION NO. 1**

**Synopsis:** Plat of Hyink Addition No. 1, located at 6702 and 6716 Berger Avenue, being developed by Steven F. Hyink, and submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

**Action:**        **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve and authorize the Mayor to sign said plat.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 4 – 211921...PLAT: SUBDIVISION FOR PIPER CREEK ESTATES, SECOND PLAT**

**Synopsis:** Plat of Piper Creek Estates, second plat located at Sloan Avenue and Sewell Avenue in Piper, being developed by BCB Holding, LLC – Brandon Becker, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

**Action:**        **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve and authorize the Mayor to sign said plat.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**Item No. 5 - MINUTES**

**August 25, 2022**

**Synopsis:** Minutes from the special session of July 28, 2022.

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

#### **Item No. 6 - WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material dated August 4 and August 11, 2022.

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

#### **PUBLIC HEARING AGENDA**

##### **Item No. 1 – 211796...RESOLUTION/ORDINANCE: 505 CENTRAL DEVELOPMENT PROJECT**

##### **Synopsis:**

- A resolution adopting the 505 Central Development Agreement
- An ordinance establishing a redevelopment district

On July 11, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.

**Mayor Garner** said I’ll ask Ms. Katherine Carttar, our Director of Economic Development, to make some opening remarks.

**Katherine Carttar, Director of Economic Development,** said I have a brief presentation that I will go through and give basically what was given to the standing committee some minor edits and kind of pair it down a little bit. I want to make sure as this has received quite a lot of scrutiny, as it should, that everyone here has all the information needed to make an informed vote today.



PUBLIC  
HEARING  
AGENDA

## 505 Central Development Project:

- Resolution adopting the 505 Central Development Agreement.
- Ordinance establishing a redevelopment district.

So, what is on the agenda today? I want to be very clear. There are two separate items. They are related, however, also can be taken completely separately and have the potential to not affect each other tonight, and I'll explain what I mean by that.

The main one for which the public hearing is here tonight is for the establishment of the actual redevelopment district. That is completely separate of any specific project, so that can be looked at in a vacuum. What you're looking at tonight is the establishment of a boundary that says in this boundary we believe that redevelopment should happen and that tax increment financing is a tool that could be used to do such redevelopment.

Then, our next step would be, in the future, to come back with a project plan. It is that project plan that actually takes that project, which we all can talk about tonight, the apartment complex, and actually provide the specifications of that project. The district is, again, kind of taken separate from the actual apartment complex that we'll talk about later.

The other item is a resolution adopting the development agreement. Typically, I wait until the project plans can go to our—are more aligned and actually go into the specifics of the project, but because, again, of the increased scrutiny on this, I wanted to make sure that everyone was very clear far in advance of kind of the eventual votes that would be coming down the path. So, we'll also kind of go through that.

I'm going to first kind of go through what the 505 Central Apartment Project, what we are proposing, and what is in the development agreement, and then we'll get into just a very brief overview of the redevelopment district.

## Development Team

### Sunflower Development Group, LLC

- Jason Swords, Principal
- Mark Moberly, Partner and Director of Development
- Kansas City, MO-based development company with 25+ years experience, including:
  - New Market Tax Credit consultant on The Merc
  - Developer of the Margaritaville Resort inside the Homefield redevelopment
  - Forthcoming proposals on two affordable housing projects in Wyandotte County

**SUNFLOWER**  
— Development Group —



### Skyline Property Development, LLC

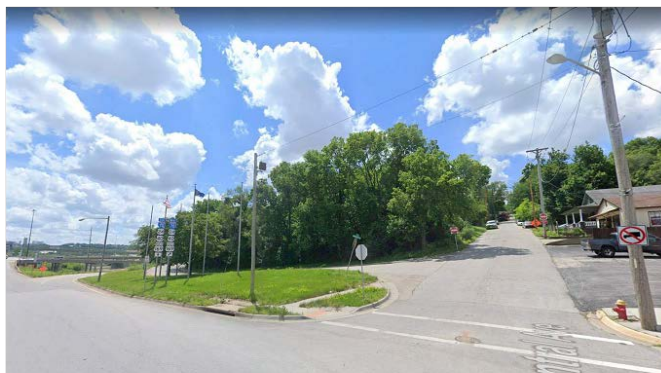
- Steve Simpson
  - Property owner in Kansas City, KS for since 2016
- Tom Proebstle
  - Co-founder of Generator Studios, located in Crossroads
  - Design firm for Taco Republic
  - Design lead for the Margaritaville Resort

### Spencer Fane LLP

- Pete Heaven, Partner
- Matthew Wine, Senior Associate



The development team is Sunflower Development Group and Skyline Property Development. I want to just highlight that both Mark Moberly and Pete Heaven are here today representing the development team. The Sunflower Development Group and Skyline have both done a number of projects and are doing a number of additional projects currently in Wyandotte County. Sunflower, in particular, they helped us with the Merc, doing the Merc tax credits, as well as they're working with Homefield team on Margaritaville, and they are currently working on two proposals for affordable projects elsewhere in the community. I think that is worth noting.



505 CENTRAL  
529 Central Ave, 525 Central Ave, 0 S Hallock St

This is the property that we are talking about tonight.



- ① Chicago's
- ② Snap's BBQ
- ③ Spring Coffee



EXISTING SITE CONTEXT

August 25, 2022

Here's kind of the project site. You can see how it sits there on the corner. You've got the highway, of course, interstate and Central Ave.

## Project Facts

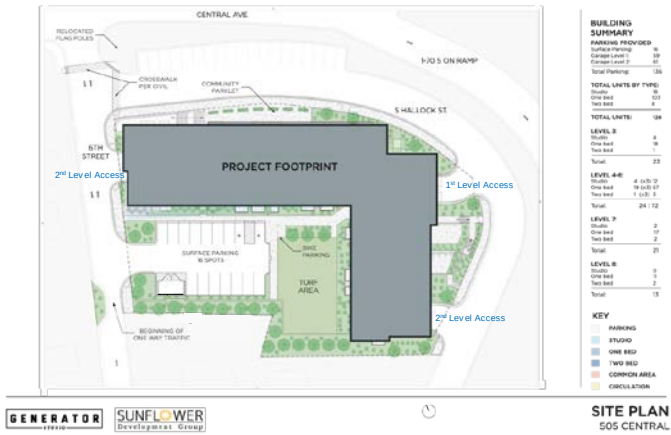
- \$40 million investment in urban core of Kansas City, Kansas
- 129 market-rate rental apartment units
  - Studio = 18 units
  - One-bedroom = 103 units
  - Two-bedroom = 8 units
- On-site parking
  - 120 parking garage spaces + 16 surface parking lot spaces = 136 total parking spaces
  - Parking spaces required by code = 133 parking spaces
  - No parking variance required
- No residents or businesses displaced
- Existing sight-lines maintained for surrounding businesses and homeowners
- Major investment in surrounding utilities, particularly aging sewer lines
- Third-party traffic study found project has minimal impact on daily traffic
- Will spur improvements for pedestrian/vehicle access at intersection of 6th & Central
- Fills the market-rate multifamily housing gap that exists in the area today
- Increased number of residents results in more economic activity to local businesses, especially the small businesses in the immediate area
  - Results in an increase to the sales tax base and attracts new businesses to the area

Now a few project facts. I apologize for all the writing, but I just wanted to kind of lay it out there in one slide so it is kind of a lot. I will go over just a few, kind of highlight some of these. The project overall, \$40M, 129 market-rate units. As market-rates, the majority of those are one bedroom, but there are some studios as well as some two-bedrooms. Something that is very important is that all the parking will be on-site. This was something that has changed over the course of the project, but at this point, they have reduced the number of units substantially so that all the parking can fit actually on the site and no parking variance is needed.

No residents or businesses are displaced, and the sightlines maintained for businesses and homeowners are still as they were.

There are a number of aging utilities in the area. There will be about over \$1M worth of investment in those utilities, particularly the aging sewer lines. There was a third party-traffic study. I want to be very clear on this, and I'll get into it again in a second, but there was a traffic study done at this location by a third party that the developer paid for and then our Planning Department actually had a second third party evaluate the other third-party study to ensure that was accurate. It was. That traffic study found minimal impact on daily traffic at that intersection.

As we kind of go through, I will say that this does fill a market-rate multifamily housing gap that exists currently in the downtown, broader downtown area. Finally, we've got a number of retail and commercial sites in that area that we would like to increase and make sure that they stay very strong and do well. The best way to do that is to have people living nearby to patronize them.



**GENERATOR** **SUNFLOWER**  
Development Group

PRELIMINARY ARTISTIC RENDERING



**GENERATOR** **SUNFLOWER**  
Development Group

PRELIMINARY ARTISTIC RENDERING

These are just some preliminary renderings.

## Addressing Community Concerns

- Insufficient parking
  - In response to the concerns:
    - Reduced unit count from original 148 units to 129 units, decreasing required parking
    - Reduced unit count results in **NO PARKING VARIANCE NEEDED**
    - All parking now on the project site
    - Development team will commit that **rent for each apartment unit will include one on site parking space**
- Traffic and safety issues
  - Traffic and safety are currently huge issues at this intersection, particularly heavy truck traffic.
  - **A third-party traffic study found the project has minimal impact on daily traffic**
    - Apartment tenants do not all leave at the exact same time or return at the exact same time
  - In response to the concerns, development team will support vehicular and pedestrian improvements at this intersection, and have agreed to include language in our Development Agreement that states:
    - "... the applicant will work with UG staff to address the issue of traffic, safety, transit enhancements, on-street parking and a revitalized neighborhood gateway for the 6th and Central/6th and Hallock intersections as a proposed neighborhood benefit per the Central Area Master Plan"
  - Community Benefit Agreement that includes a contribution of no less than **\$350,000** to support improvements to the intersection.

Again, trying to fly through these really quick, but just some community concerns that have come up. I want to make sure we kind of dispel or provide additional kind of contexts around. Insufficient parking. As I mentioned, originally, this project started with 148 units. It has now been reduced to 129 units. The main driver for that was the parking needs. So, now there is enough parking to be parked on the site. Additionally, each apartment will include a parking spot. That was something that was very important. I already talked about the traffic and safety issues.

So, yes, this is kind of a two-fold issue where, correct, there is minimal impact that this apartment complex will provide on that intersection; however, that intersection is not good. Anyone who has gone through 6<sup>th</sup> & Central knows that intersection needs work. So, one of the things that the developer has agreed to is to work with the city on actually improving that intersection in a couple of different ways, which I will get into shortly.

## Addressing Community Concerns

- Impact on sight lines and view corridors of neighboring properties
  - In response to the concerns and at the request of Staff, seven sight line renderings were created showing the massing of the project on the site
    - **Renderings show limited impact on sight lines and view corridors**
- Insufficient infrastructure to support the project
  - In response to the concerns development team has, and will continue to work with Staff to ensure building plans include sufficient upgrades to existing infrastructure, including the sewer system, to accommodate the project
  - Current project budget includes over **\$1 million for infrastructure improvements**
- Building is "too big"
  - In response to this concern the architecture team put together an elevation study to clearly show the building does not tower over neighboring properties to the South
    - Built at the **base** of Russian Hill
    - Lowest two levels, both parking garage, are below grade
    - Building height only slightly taller than height of house immediately south of project
  - In further response to this concern **unit count reduced** that allows for the building to be set back at the 7<sup>th</sup> floor (5<sup>th</sup> floor above grade) and set back even more at the 8<sup>th</sup> floor (6<sup>th</sup> floor above grade)

Impact on sightlines. They'd done a number of renderings showing that there's limited impact on those sightlines. Insufficient infrastructure. Again, they'll be doing over \$1M of infrastructure improvements. Generally, just the building is too big. You can kind of take that for what it is, but when we are talking about eight stories, I want to just make sure people recognize that two of those stories will actually be below grade. So, the actual above grade, we're talking about six stories, just as to kind of put some context again.

## Addressing Community Concerns

- Exterior façade does not fit the neighborhood
  - In response to the concern the architecture team has developed renderings that show:
    - Brick on the lower levels, giving a nod to character and materials of the surrounding buildings on Central Ave.
    - Lighter panelized or EIFS material on the upper levels, breaking the building's mass into multiple sections
    - Exterior or interior balconies are proposed for each apartment unit to give the building dimension
    - Removed units to allow for set-back on 7<sup>th</sup> and 8<sup>th</sup> floors, reducing the box feel of the building
  - Further neighborhood engagement currently occurring in advance of Final Development Plan submittal
- Lacks affordable housing
  - While not an affordable housing project, the development team has proposed a unit mix that will result in range of rental rates, including more attainable rents in our studio and one-bedroom units
  - Development team has also agreed to include language in the Development Agreement that states:
    - "...the applicant will support the work of UG staff to create a mixed income community as a proposed neighborhood benefit per the Central Area Master Plan"

The façade. The developers just had a meeting earlier this week with a group from the neighborhood about the design of the building. So, this is something that, again, you saw those kinds of preliminary renderings, but this is something that they are interested and willing and already starting to have conversations with the community making sure that the façade does fit into the neighborhood and is something that the neighbors can feel proud of.

Lack of affordable housing. There will not be any affordable units. By affordable, I mean that actually have income restrictions or low-income housing tax credits as part of this project. There are a variety of costs for the units. Some will be more affordable than others, but one of the things that we have discussed, and is in the development agreement as well as the preliminary plan that went through Planning Commission, is that the developer has agreed to, again, work with us to continue to make the Central Area Master Plan come to fruition, which is making sure that there is a variety of housing types and affordable levels.

One of the things that we've had a lot of conversation about is the fact that there is currently no market-rate residential new built, nothing in the last 50 years that has been market-rate in the greater downtown area. So, when we're talking about making sure that we have a mix of income, right now we are missing a pretty substantial kind of line in that spectrum.

The development team, as I mentioned, is working elsewhere in the community on two other affordable projects. I think there's a good possibility that we've already started conversation that there might be other opportunities in this corridor for them to do another project once this one is complete. But, again, it is very important if you want a corridor, a neighborhood, a community that is strong, that you have all the different income levels represented. So, this is one of those.

## Deal Points

### Tax Increment Financing

- 90% of incremental property tax increase will be reinvested into the project on eligible expenses.
- **Pay-as-you-go only TIF.** No bonds issued or backed by the UG.
- Redirected revenue will be capped at \$6,000,000
- Standard protection with the public contribution capped at 50% of total investment.
  - With a project budget of \$39 million and a maximum TIF contribution of \$6 million, the **public contribution is 15.4%.**

### IRB Sales Tax Exemption

- Limited time sales tax exemption on construction material during building of the apartment

### LBE/MBE/WBE

- Developer has agreed to the following participation goals for construction and professional services of the project.

|     | Construction | Professional Services |
|-----|--------------|-----------------------|
| LBE | 18%          | 18%                   |
| MBE | 15%          | 13%                   |
| WBE | 7%           | 8%                    |

On to the deal points. This is a tax increment financing project that is being proposed. Ninety percent of the incremental property tax would be reinvested into the project on actual eligible expenses. So, unlike a tax abatement, this is money that the property taxes get paid to the Unified Government and then the Unified Government reimburses very specifically on eligible expenses. This is not just kind of free money that doesn't have to get paid or just comes to them in a lump sum.

Again, it is a pay-as-you-go only TIF, so there will be no bonds issued or backed by the Unified Government. As with all of our TIFs and development projects, we do have a cap, both a specific dollar amount cap and also a ratio cap, the private to public ratio. That cap is \$6M in specific dollar amount. In our development agreement, kind of our standard protection, is that there is never more than 50% public money in any project. Usually, we honestly try to move that down to no more than 30%. In this case, we're talking about 15.4%. As far as these projects go, this has a very minimal public contribution through this TIF.

Additionally, to the TIF, they have requested a sales tax exemption on construction materials through industrial revenue bonds. Again, that has nothing to do with the property taxes. That is specific to just construction materials as they are building the project.

Again, with all of our projects, we have LMW goals. You can see those there. They're our standard goals.



## Deal Points

### Neighborhood Improvements Contribution (Community Benefit)

- On or before the commencement of construction of the Project, the Developer will pay the UG \$350,000 as a Neighborhood Improvement Contribution.
- The UG will use these funds to make improvements to the intersection of 6<sup>th</sup> & Central Avenue, including traffic calming improvements.
- Will benefit the residents, workers, and visitors to Central Avenue and Downtown KCK.
- This contribution will not rebuild the intersection, but it will be a meaningful change and help the UG get a larger federal grant



The community improvement contribution. This gets to the intersection. One of the things that we have talked about with the development team is that we need to have something above and beyond. There are certain benefits, of course, that we can discuss but having a specific dollar amount that can go into, in this case, the intersection is what we determined would be the most necessary and important contribution that they can make.

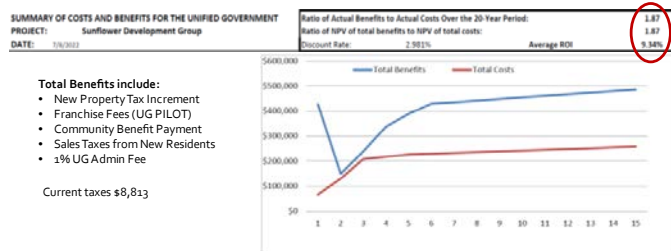
The development team has agreed to pay at the beginning, kind of on or before commencement of construction, so right up front, \$350K. If you immediately think well that's not enough to build an intersection. You are correct. It is not enough to rebuild an intersection. There are two things that we are doing to kind of mitigate that. One is, the Unified Government has already received a number of grants to work on the 6<sup>th</sup> St. Corridor. We've applied for a number of grants to actually redo this intersection completely as a part of that larger project. We believe that with all of the unprecedented infrastructure funds that are out there, that we hope to be successful in these grant applications. Additionally, having a private company and development happening in the area is a huge bonus and looks very good when we are doing grant applications. So, I'm hopeful that will give us some extra points.

When it comes to that \$350K, I've had a number of conversations with our County Engineer and we've discussed a number of different things that could happen that would make a change, an impact, on day one. Whether that is a raised intersection, whether that is additional bump outs, there are things that can be done with \$350K that will make a benefit that could kind of be an intermediate benefit until we have the full funding to do a complete intersection reconstruction.



## Cost Benefit Analysis

Cost Benefit Analysis conducted by a third party to determine the return on the UG's Investment by Municipal Consulting LLC.



Cost benefit analysis. This is something we don't normally do with a TIF, but because of the added controversy or just kind of conversation about this, we thought it would be helpful to see what that cost benefit would be for this project. There is a very long report in your packet, but kind of the high level is, as you can see on that graph, if you're a visual learner, the benefits in blue far outweigh the total cost. We generally look at as a rule of thumb, 1.3 as a ratio that we like to see in terms of the amount of kind of that ratio of benefits to actual costs. As you can see here, we're almost at 1.9, so that's really good. We're getting a lot of return on our investment.

Additionally, we are also getting full UG PILOT from all the new tenants, additional property tax increment, the community benefit payment, additional sales tax from new residents patronizing these stores and other things around KCK, as well as the 1% UG admin fee.

## Cost Benefit Analysis

UG property taxes today \$4,000  
 (Total property taxes \$8,813)



8 townhomes  
 UG taxes during incentive term \$4,500  
 UG taxes post-incentive term **\$11,040**



129 units  
 UG taxes during incentive term \$240,000  
 UG taxes post-incentive term **over \$1,000,000**

The last thing is, something that I've heard a number of times from the neighborhood is, well, we'd just like to see a few townhomes at this location. So, I just want to do a quick snapshot of kind of what townhomes purely from property tax what that would look like. So, I took the townhomes that we have over at 5<sup>th</sup> & Armstrong and took those and tried to kind of do a model to see what it would look like on this property. I determined that we could get about eight townhomes of that size on the 505 Central property. Now, again, I'm just looking for these numbers. I'm just looking at the Unified Government's adjusted city and county portion of

property taxes. So, currently, that property we get about \$4K in property taxes. Again, city and county. With those eight townhomes, I would anticipate that there would be an incentive with those because why not; that's kind of what I would assume would happen, probably an NRA, which would be 10 years, 95% abatement. That would mean that the Unified Government would be getting about \$4,500 during those 10 years. Then post incentive, that would bump up to just over \$11K.

Now, if we look at the currently proposed apartment complex that's 129 units. During the incentive term, we'd be looking at, on average, so it starts to ramp up, it would start during construction. So, the first couple of years they're pretty small and then it ramps up quite quickly. But an average of \$240K, again, just city and county. Post-incentive term we'd be looking at over \$1M annually.

## Establish a Redevelopment District



- Allows for Tax Increment Financing tool to be utilized with the approval of a Project Plan
- By Kansas statute, determination of blight
  - Focuses on the specific area meeting some of the blight factors defined by the State
  - Does NOT say anything about the rest of the neighborhood

So, that was the project. I just have one slide on establishment of the redevelopment district. As I mentioned before that ordinance is just determining that boundary you see on your screen, that that area makes sense that this would be something that we would like to see revitalized and redeveloped, and that tax increment financing is a tool to use to do so.

We use kind of a—as part of the state statutes, they outline a number of ways that location can kind of qualify for this district establishment. One of the ways is if it meets a number of—there's nine different life factors. The developer did do a study to analyze those and determined that it does meet not all of them, but a handful of them; enough that it would qualify by the state that it could be blighted. This does not say anything about the neighborhood. This is not saying that the neighborhood is blighted. This is purely looking at blighting factors as defined by the state to determine that this is something that we would like to see revitalized.

### Commission Actions for TIF Formation

| Action Items                                                                                               | Dates                                                                                                                          |                                                                                   |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Resolutions:<br>Approve Development Agreement<br>Set public hearing date establishing TIF District         | ED&F – July 11 <sup>th</sup><br>Commission – July 14 <sup>th</sup> (setting<br>public hearing)<br>August 25 <sup>th</sup> (DA) |  |
| Public Hearing & Ordinance: Approve formation of TIF District<br>Resolution: Approve Development Agreement | Commission – August 25 <sup>th</sup>                                                                                           |  |
| Resolution setting project plan public hearing date                                                        | ED&F – September 12 <sup>th</sup><br>Commission – September 29 <sup>th</sup>                                                   |  |
| Ordinance: Approve Project Plan                                                                            | ED&F – October 10 <sup>th</sup>                                                                                                |  |
| Public Hearing & Ordinance: Approve Project Plan                                                           | Commission – October 27 <sup>th</sup>                                                                                          |  |

With that, just kind of showing that there are multiple votes and items coming up in the future if we were to move forward tonight. You can see that we've already gone to ED&F once. Tonight, you can see that blue circle is the public hearing for the approval of the TIF district and the development agreement. The next step would be setting a public hearing for the project plan and then taking that to ED&F and then coming back to you all with the project plan, which would be the actual vote that says, yes, this is what we want to use the TIF for at the end of October.

#### PUBLIC HEARING AGENDA

##### 505 Central Development Project:

- Resolution adopting the 505 Central Development Agreement.
- Ordinance establishing a redevelopment district.

With that, I will sit down.

**Commissioner Stites** asked, so the \$350K that is earmarked for that intersection, if we were to receive any other type of funding, is that \$350K specifically earmarked for that intersection? If we were to receive additional funding or a funding that would complete that intersection, where would that \$350K or could it be used elsewhere?

**Ms. Carttar** said in the development agreement, we have specified currently that it is for the intersection. **Commissioner Stites** asked, so then what would happen in the interim? Would we just have to go back and amend the DA? **Ms. Carttar** said yes. We could either amend the DA or the likelihood is that we would use that—all of these grants have—they like to see matching grants, so by using that \$350K as a matching and using it for the intersection in addition to what we get, that would probably make us score better and receive grants.

**August 25, 2022**

**Mayor Garner** said I apologize. I got a little ahead of myself. I need to open up the public hearing on this matter. I'll ask the Clerk if any notifications received from the public who wish to express their comments in favor of this item. **Ms. Sparks** said no comments were received in favor.

**Mayor Garner** asked, Clerk, has anyone signed up to speak this evening? **Ms. Sparks** said no one has signed up.

**Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? Is there anyone joining us virtually, Clerk, who would like to speak in favor of this item? **Ms. Sparks** said, yes, Mayor. Our first speaker is Rose Eilts.

**Rose Eilts** said so actually I wanted to speak against it. So, if you need to put me to the back of the line, I'm good with that.

**Mayor Garner** said you're in the line. If you could just hold just for a second, we'll get to you.

**Mayor Garner** asked, Clerk, anyone else online? **Ms. Sparks** said we have Greg Kindle.

**Greg Kindle, Wyandotte Economic Council, 727 Minnesota Ave.,** said I'm a resident of KCK. Thank you for taking up these action items around 505 Central. We are supportive of the development agreement and the district boundaries. The proposed multi-family development is appropriate and needed in this commercial corridor. It adds residential support for the existing businesses nearby, particularly in the evenings and weekends, and it brings investment to a part of the community that has been discussed and desired for a long time.

The proposed development does provide quality housing and amenities that do not exist presently in this area and there's market demand. The project has adequate parking for the development. It seeks to enhance the entrance to the community. We believe it contributes to the neighborhood by way of utilities, pedestrian access, and makes a significant investment towards traffic mitigation that does not exist but for this project.

I know there are those who are of the opinion that this development negatively changes the character of the neighborhood, but when I drive through Strawberry Hill, Russian Hill, what I see is a wide mixture of housing styles, heights, and textures. If we applied all the filters on what presently exists in Strawberry Hill and Russian Hill that are being applied to this project, I

wonder what would be left. No development is likely to be all things to all people, but we are at a point in which we are asking you to make a decision about whether we're ready to look to the future at this location.

We ask you to approve the development agreement and district boundaries. Thank you for your time and consideration.

**Ms. Sparks** said our next speakers are Karrin and Brad Huhmann.

**Karrin Huhmann, 23 S. 6<sup>th</sup>**, said I'm next door to the development. You know, I thought it was interesting to listen to your mobility plan comments earlier tonight. There was a lot of discussion about how Wyandotte County leadership has approached things scattershot, just taken and funded projects as they come on an ad hoc manner and everybody talked about how we shouldn't do that anymore. Well, in the case of this project, it was never a target. This specific parcel was never a target for development. Not in the master plan for Central Ave., which was blindly overturned by the Commission.

**Ms. Sparks** asked, ma'am, are you in favor or in opposition? **Ms. Huhmann** said I'm in opposition, obviously. **Ms. Sparks** said okay. At the moment, we're taking comments in favor. We'll put you back on the list.

**Edgar Galicia, Central Avenue Betterment Association**, said...

**Ms. Sparks** asked, Mr. Galicia, are you in favor or opposed? **Mr. Galicia** said that's what I'm getting to. We are opposed. **Ms. Sparks** said okay. We'll call those comments in a few minutes. There are no other hands in favor.

**Mayor Garner** said I'll ask the Clerk are there any notifications that you received from the public who would like to express their opposition? **Ms. Sparks** said yes, Mayor.

**Ms. Sparks** read the following email from Wes McCain, resident of Strawberry Hill.

I am disappointed that after months of negotiations there is nothing in the 505 Development Agreement that addresses neighborhood affordability. This is a serious concern for Strawberry Hill and surrounding neighborhoods. I have lived in Strawberry Hill since 2014 and watched prices rise dramatically. I want the UG Board of Commissioners to own this problem. The private

market will not take care of affordable housing. If it did, we would not have affordable housing issues across the United States. Local governments must take responsibility and make plans to meet this need. I am not against more market-rate apartments in downtown Kansas City, KS. I am against market-rate development without a clear plan in place to address affordability.

I request that in addition to the \$350,000 payment for improvements to 6<sup>th</sup> and Central Ave., the UG Board of Commissioners mandate a \$500K payment from Sunflower to be dedicated as seed money to a local Housing Trust Fund. This fund is not yet in place. Therefore, I also request that the Commission direct UG administration to create a team of internal and external stakeholders charged with the sole purpose of creating a plan for the Housing Trust Fund and bringing it back to the Commission for adoption. The issue of affordable housing requires movement and there is no time like the present.

**Ms. Sparks** read the following email from Marcus Winn, resident of KCK 66101.

I'm writing to express my opposition to the 505 Central Development Agreement as currently constructed. While I submit this comment as an individual resident, I have been involved in conversations with neighbors, UG staff, and developers as a board member of the Strawberry Hill Neighborhood Association and wish to share the actual history, as mischaracterizations have been made, as they demonstrate the concerns I share with many of my neighbors about this development.

On April 28, SHNA submitted a letter to the Commission attempting to raise real concerns as well as find a pathway forward where if concerns were sufficiently addressed, development could be supported. Broadly, those concerns were: the aesthetic look and feel of the development, safety and congestion at the intersection of 6th & Central, and affordability. Unfortunately, that letter was mischaracterized by the developers during the last Commission hearing on this project as unqualified support. A clear reading shows that characterization as false.

Nonetheless, our conversations continued and even expanded to better incorporate and cooperate with our neighbors in Russian Hill. Yet, in spite of good faith efforts of residents, the developers have offered no meaningful commitments. Many options were presented. All were rejected by the developers. This failure to address neighborhood concerns forced SHNA to communicate that the conditions that we clearly and consistently communicated were not met. Thus, the project, especially the proposed economic incentives, could not be supported.

In turn, Mr. Moberly sent an email to the entire Commission on July 27<sup>th</sup> perhaps best described as a tantrum. Let me be clear as possible: Mr. Moberly's characterizations in that communication are false and misleading. He does, however, make one telling admission, writing: "we did not read that letter in full."

Residents are not against development across the board, but we need good development, not any development. Good development requires residents to have a seat at the table and their concerns to be taken seriously. By his own admission, Mr. Moberly hasn't taken neighborhood concerns seriously enough to even bother reading our position.

Commissioners, this is your opportunity to set a standard. Developers will preach doom and gloom if you don't give them everything they want. That's what always happens. We need and deserve development that partners with our community rather than threatens and bullies us.

**Ms. Sparks** said the last statement is from Rachel McKeachen. She submitted a packet to the commissioners. Those are all the comments I have.

**Mayor Garner** asked, is there anyone present who would like to speak in opposition of this item? Please come forward and state your name and address for record. You'll be given up to three minutes to speak.

**Marge Gasnick, 3322 N. 54<sup>th</sup> St.,** said I'm not a resident of the neighborhood where this project is located, however, since this project is likely to affect the housing ecosystem in KCK, I am speaking tonight as a concerned resident. It is not an overstatement to say there is a housing crisis unfolding in Kansas City, KS, and Wyandotte County.

On Monday evening in this chamber, several people stood before you to say the UG needs to do more and to be more involved in finding an emergency weather shelter for our growing homeless population. Many others got up to say that they can no longer afford to live in their homes due to skyrocketing appraisals and property taxes.

This project at 505 Central will introduce market-rate, high-end apartments to eastern Kansas City, KS. My concern is the ripple effect this will have on rent levels that tenants are now paying. The other night one landlord said he was trying to keep his tenants' rent as low as possible, but it was getting hard to do that because of the high taxes on his rental property. I would hate to see a recalibration of rents make KCK an unaffordable place to find an apartment.

My suggestion to you is to press pause on this project for 90 days to allow for some kind of guardrails for tenants to be developed. To my knowledge, the UG does not have a local ordinance that spells out tenants' rights or a pathway, a recourse in the event of a dispute. At this time when the housing market is shifting and affordable housing is shrinking, we need one such ordinance.

You also talked about looking into property appraisals more closely to see if something can be done about that. That, too, is a good step. **Ms. Sparks** said one minute remaining.

**Ms. Gasnick** said I urge you, as a body, to do what you can to protect and preserve the affordability of housing in Wyandotte County. Everyone, whether they rent or own, is affected by the current housing situation. With any new development, the question I ask is, what part of the housing crisis does this project address? I am not sure there is a good answer for the project at 505 Central. Thank you for your time.

**Kelly White, 4410 Francis St.,** said I am not a resident of the neighborhood around here but I am speaking tonight in opposition, providing incentives to the Sunflower Development Group of the 505 Central project. I was prepared to speak with regard to the luxury apartment because that was my understanding. It sounds like its market-rate, but I don't know what that market-rate is. I haven't seen a number of what that is. But, to many, the basic concept of TIF financing sounds like a bad idea. To some it sounds like a plan to create future tax revenue.

In the research that I've done, I have learned that TIFs are quite complex with results varying greatly across the nation. There is significant amount of data to suggest that TIF incentives are not always economic boosters that municipalities think they will be.

Anthony Flint is the senior fellow at the Lincoln Institute of Land Policy. He wrote in an article, "The Hidden Cost of TIF," that most TIF use is designed to address urban blight, which sounds like this project is reaching to get to the bullet points that they have to. TIFs often lack transparency and they direct revenue away from vital areas that the city needs. Obviously, housing is vital in Wyandotte County as it is in many surrounding areas, but I doubt that these apartments would fall into that category so much so that we should be incentivizing any type of project like this, particularly to developers that have been able to afford to purchase the land that they intend to build on over two years ago and to sit on it.

In the same article, Anthony Flint quoted Molly Metzger, who's a professor at the Brown School of Social Work at Washington University, and is an expert on TIFs. She said the way



cities approach redevelopment has a lot to do with self-esteem of the city. Wyandotte County has so much to offer. Do we really need to be incentivizing developers to build in prime locations...**Ms. Sparks** said one minute remaining.

**Ms. White** said that would be of benefit to them whether we financially assisted them or not. We all want Wyandotte County to be a community that's safe, vibrant, and healthy and we can start by thinking progressively about finding solutions for home ownership and housing for all income levels instead of resorting to an old formula that does not guarantee a positive result. I ask that you vote no to any type of incentives for this project.

**Gil Pintar, President of Hanover Heights Neighborhood**, in Rosedale, said just adjacent to Kelly White in Spring Valley. I really concur with what she said and what the previous speakers have said in terms of the need for assessing the benefits of this project. I salute your Economic Development Director for a fine presentation to show the true facts, but when you listen to the presentation there are a lot of well, hopefully, we'll get grants and, hopefully, we'll be able to do this and it's hope for—well, there's a lot of hope involved in this project.

I would think that from a land use standpoint, any residential, whether its townhomes or apartments, be tied into a review of a housing policy. To the best of my knowledge, the governing body here does not have an adopted housing policy. I would think that as your director said, we kind of look at the need for affordable housing and mixed-rate housing and luxury housing. This area is in need of this type of housing. I think there needs to be a city-wide consensus of how we handle a housing policy and a program that comes in each and every...**Ms. Sparks** said one minute remaining.

**Mr. Pintar** said to a community, especially when they're asking for tax incentives and working in cooperation with the UG on street improvements and that type of thing. I certainly concur with the previous speakers. As the neighborhood president, I stand ready to answer any questions, but I'm concerned about incentives with so many loose ends. Thank you.

**Mayor Garner** asked, is there anyone else who would like to speak in opposition?

Clerk, is there anyone joining us virtually who would like to speak in opposition on this item? **Ms. Sparks** said yes. Our first speaker is Rose Elits.

**Mayor Garner** said those in opposition, if you'd raise your hand so you can be acknowledged. Make sure you please state your name and your address for record. You'll be given up to three minutes to speak.

**Rose Kocour Elits, 506 N. 4<sup>th</sup> St. in Strawberry Hill**, said I am speaking against this project. The project is not really in the urban core, it's urban adjacent. Those are Gunner Hand's words from a previous meeting. It is in a residential neighborhood. While I did attend the meeting on Monday where we talked to the developers about what we would like to see, it's the devil.

Anyway, so they talked about a brick façade possibly and it still won't fit in the neighborhood. It's going to be lipstick on a pig. It's just too big and there's no one that I know that lives on Russian Hill, as an owner occupied, that wants this project to be built there.

We need a new master plan of that area so that all valid community concerns can be consolidated into one plan that the Commission adopts before starting redevelopment. As others have said, we need to put a pause on this so we can come at it from a unified standpoint.

I have a question. I know you don't answer questions here, but it looks to me like if they get that sales tax abatement, surely they're going to use—we'll be losing a minimum of a million dollars in sales tax revenue. And after listening to the meeting Monday night and some of the presentations, I just don't think the UG can afford to have these rich people come to us with their hands out begging for our dollars. We need them. We need them all. **Ms. Sparks** said one minute remaining.

**Ms. Elits** said I ask you to oppose this. Don't do the redevelopment plan or approve it for their—there's so many better places on the Central Ave. corridor or other areas where it would be a perfect fit. Thank you for your time.

**Ms. Sparks** said our next speakers are Karrin and Brad Huhmann.

**Karrin Huhmann, 23 S. 6<sup>th</sup>**, resident and homeowner, said as the other speakers mentioned, Wyandotte County has a lot of needs. We've heard over and over about all of the needs and how we don't have money, and we have lawsuits that you guys are going to raise taxes on us to pay. We have bridges that are going unfixed.

The 6<sup>th</sup> & Central cross-street area is not up to standards, according to one of those third-party traffic review engineers. It's actually dangerous. It's limited sightlines. It should be fixed right now. We can't wait. It's a death waiting to happen.

A lot of times economic development people and developers like to say that you wouldn't have gotten this extra tax, property tax revenue if this wouldn't come, so it's just all gravy. That's that (inaudible) tax or whatever. This is a prime spot. People want this. People are going to develop on this whether we hand out money or not.

What we're contemplating doing, and I urge you not to do, is to spend \$8M or whatever it is total. That might be better spent somewhere else that better matches the strategic plans that you've just been talking about for the community. This was totally like not planned for. They just came to us and said we want to build here; give us money, which all developers claim that they can't get anything done if they don't get public money. That's just standard and I don't believe them.

If you're going to do this mobility plan, you've got other places that you might want to spend \$8M roughly of future tax revenue to promote, to better fit our community needs. This is an ill-conceived...**Ms. Sparks** said one minute remaining.

**Ms. Huhmann** said ill-conceived, unwanted, poor use of what really would be public money that should be flowing into our coffers. I realize that people want wealthier people to move around here, but you don't need to incentivize them to move on the backs of poorer people because we're all looking at tax rates, tax increases. None of us have seen our taxes lowered with all the other economic development projects that's going around. When do we see the benefits? We, homeowners, haven't seen them ever. If this happens, we're not going to see it for 20 years so they're not going to do us any good.

The \$350K that they're supposedly giving us, that's just, I mean, we're giving them \$8M. They're not really giving us \$350K. It's just a silly way of talking about it.

There are a number of things in that presentation which was just a warm-over of what the development...**Ms. Sparks** said your time has expired.

**Ms. Sparks** said our next speaker is Edgar Galicia.

**Edgar Galicia, Central Avenue Betterment Association, 1303 Central Ave.,** said we are opposed to any project, any development that truly does not bring the help and the direction that our community needs, desperately needs. I will remind everybody here, everybody present, that

last Monday, we heard firsthand the fear and the reality of the community that is suffering because they don't have where to go if this happens, if displacement takes over.

\$350K worth of investment, direct investment into what seems to be a community benefits agreement without the real and final plan for this crossroad will only slow down traffic while increasing the amount of cars moving through the crossing. That halfway solution is not worth what they're getting in return.

The project sends the wrong message to developers. Instead of protecting our residents with mixed-income development, this project starts the path for displacement and we will be taken away. Housing is needed, yes. Density is needed, absolutely. But mixed-income, mixed-use development is a true way to incentivize your community's growth.

Last Monday, again, you heard it. You heard the fear and the reality of taxation when these values increase, property values increase to where we cannot afford to live here. **Ms. Sparks** said one minute remaining.

**Mr. Galicia** said market-rate is not a real title, not when you have all the luxury amenities on top of it. This is not for us.

Do not support this development. We ask you to not support this development. Take the time to create a way, let's call it a marketing strategy for our community that will attract the right kind of development, developers that support community while they're making their investment. Please, don't let go of the community. We all need you. The people who have gone self-investing through thick and thin need you today, needs you right now. Thank you.

**Ms. Sparks** said our next speaker is Willie Flaherty.

**Willie Apala Flaherty, 276 N. 6<sup>th</sup> St.,** said I'm just up the street from the development. Broadly speaking, I oppose this development for many of the reasons already stated. I want to just narrow down specifically to the affordability piece. I work with the Strawberry Hill Neighborhood Association and this is something that the neighborhood—we held several neighborhood meetings and there have been meetings all year where this has come up every single time. The sticking point for the neighborhood is affordability. There being no affordability component to this really just makes it a non-starter.

I have met with many of the commissioners to discuss ways that we could build affordability into this project, and I'm sure you guys will speak to that soon. I don't see how we

can move forward with any of these items without codifying some sort of plan one way or another, as others have said, to address that issue. That's it. Thanks.

**Ms. Sparks** said our next speaker is Kari Neill.

**Patrick Siproy** said I'm Kari Neill's husband. I appreciate your time in this long meeting and for taking into consideration the valid concerns of these humble stakeholders who live on Russian Hill. We are on Strawberry Hill.

The Russian Hill stakeholders have a very legitimate objection to this project and an objection to their neighborhood being labeled blighted, which is required for this to move forward. It is not blighted. Russian Hill is very desirable. Russian Hill is intact urban fabric that we will regret ruining. For 12 decades or more, the neighborhood's been intact. This is what has attracted this developer to this site. He's running far away from the Power & Light District. He's coming to Russian Hill because it's intact.

We have so many areas that are not intact. The gateway Urban Renewal catastrophe, 3.6 acres of prime development land that's flat with the downtown view and the Heritage Trail, transit, the Merc, which we threw \$7M at. Why are we not putting this incentivizing, the tower, to be there? We should not be incentivizing it to ruin a legacy neighborhood like Russian Hill, and it will ruin it; 129 rental units on top of 6 homes. That's going to ruin that neighborhood forever.

When economic development is done right, you see a lot of multipliers and very few externalities. This is the exact opposite. This is tons of externalities ruining Russian Hill. Where's the multipliers?

These tenants are going to turn right and go downhill and blast out of there to the highway. They won't spend a penny in Wyandotte County. Don't be fooled. I actually have never seen such boosterism, such corporate welfare. Then the misuse of blight. This is a terrible deal for the county.

Also, the mature greens that this is. I'm not a tree hugger myself, but for this developer to come in and just demolish an acre of woods that is at the end of the largest prairie river system in the world, this is horrible for the bird habitat. If this fellow wants to come in and destroy these woods, make him do it on his own steam. **Ms. Sparks** said one minute remaining.

**Mr. Siproy** said I don't have anything more, but when I speak from the heart, a lot comes out. I don't want to tax your patience. We are against this project. You won't get a chance to press rewind, so you must press pause.

**Ms. Sparks** said our next speaker is Anna Cole.

**Anna Cole** said I'm a 13-year resident and property owner in Strawberry Hill, 66101. I'm coming to this sort of speaking off the top of my head. I've been following this silently because I'm a new mom and just got a lot going on, which is a lot of what our neighborhood is.

My first, and it's going to be a rhetorical question, what is the rush with this? This will set a precedent. Whatever happens at this location will set a precedent. Why not press pause? Why not really examine what we are asking you to examine? Come up with a real plan. Redo a master plan if we must. Things have changed since the pandemic, right, since even the other master plan was put together, which was completely ignored with regard to this project.

That property, that location is absolutely prime with all of the riverfront development that's happening and the regional development that's happening. The developer can wait six months, right? If they don't want to, well, I mean, they already haven't worked with us. They didn't even read the neighborhood association letter.

Wyandotte County, we have been the red-headed stepchild of the counties for 70 years. I don't know. I grew up in Brookside. I moved here 13 years ago and everybody thought I was nuts. Now they're asking me where can they buy a house.

But what? Do we want to look stupid? Like, let's make sure we're doing this right because what happens at the top of this hill is going to follow on the rest of the hill. Everybody wants to see development here. Everyone wants to see infill but we want to do it right. This is extremely—it's just being rushed through. We have other debts and other needs. I mean, the street broke open with water gushing in front of my house and messed up my foundation two months ago. All kinds of things are failing over here and our county is in a tremendous amount of debt. **Ms. Sparks** said one minute remaining.

**Ms. Cole** said to conclude, I oppose this on all levels at this point right now. I ask that you slow down, pause, and get a real plan together recognizing that this development and what you decide tonight sets a precedence that will not be undone. Thank you.

**Ms. Sparks** said, Mayor, there are no other hands raised online.

**Mayor Garner** said I will now close the public hearing. Does staff have any closing comments?

**Ms. Carttar** said I do not, but I do want to recognize that the development team is here and they may have comments. **Mayor Garner** asked, Ms. Carttar, were you wanting them to come forward? Please state your name and residence.

**Mark Moberly, Sunflower Development Group, 1125 Grand Blvd., Suite 202, KCMO**, said first off, I will apologize. I'm a bit casual tonight. I was in a car wreck on Thursday night, actually in Bonner Springs, and I will thank you for having KU Med. They took great care of me when I stayed in the hospital on Thursday evening through Friday. A fantastic community resource and I was glad to be taken there.

Part of that, it's not an excuse, but we did not rally the troops. It's a bad look tonight with the number of opposition speakers. We just, quite frankly, didn't ask our supporters to attend. I thank Greg Kindle for being here. That was unsolicited. You've heard from our supporters, the commercial business owners, the KCK Chamber of Commerce, Wyandotte County Economic Development Council, and many of the residents that have spoken on our behalf. So, I take full responsibility for not asking our supporters to be here. That's just a miss on our part.

It's been mentioned that we had a meeting on Monday night. That was solely about the design of the building. We did commit to doing that exercise. It took a while to get it scheduled, but, quite frankly, we're not in a hurry to design the building because if the TIF and the development agreement doesn't pass, it's all for not. We simply cannot financially afford to build this project with a full property tax load. That's just the dollars and cents of it. That was the case when we looked at the project 18 months ago. It's only gotten worse since. Luckily, rents have increased in the market. I think investors are taking a smaller return because of the interest rate increases, so our numbers still pencil, we think. Construction prices are increasing every day. The need is still there.

I have had a lot of email communication with what I'll just characterize as our opposition. We're no longer talking directly with the Strawberry Neighborhood Association. The St. Joseph Watchdogs have become our direct point of contact. Ms. Pat Lawson and I have traded a number of emails. They've asked questions so there has been engagement that hasn't been there before. I'm not going to say it's changed any minds, because you just heard all the opposition, but that engagement is happening and there is back and forth communication occurring.

I will remind that the TIF still requires the taxes that are paid today to continue to be paid. The 90% is only the amount reimbursed on the increment, the increase. So, the taxes, which I think Katherine mentioned, were about \$8K a year will continue to be paid. On top of that, 10% of the fully assessed property taxes will be kept by the UG and KCK and the various taxing jurisdictions. That's important to note.

There's no money being invested directly from the UG as a cash contribution. The only investment is the reimbursement of the 90% TIF. We're not asking you to back any bonds so if we fail, the UG is not on the hook for those dollars like with some other incentives across this community and across the region.

A reminder, and one thing my attorney whispered in my ear, our residents will be paying personal property taxes in this community. So, if they do own a car, they're going to be paying personal property taxes here now too, which I think is a benefit we've not talked about. That's real dollars and cents.

I will make a note on the sales tax. That is always something that comes up. It says we're not going to pay sales tax in this community. I can tell you that a vast majority of the construction materials on this project will not be purchased in this community. They don't exist. We buy them all over the country, so its people across the country that should be mad that we're not paying the sales tax. You just have the ability to exempt us from that from them collecting that sales tax. So, sometimes that can be a little bit confusing.

Then I will just remind, again, because the blight conversation. We're not saying Russian Hill is blighted. We're not saying Strawberry Hill is blighted. Our property is blighted. You can look at the report. It's overgrown trees. My partners, who own the property, are consistently fielding complaints about homeless encampments, trash and debris from the highway. It's overgrown shrubs. It is the definition of blight as a property, not as a neighborhood. I want to make that distinction.

With that, those are really my notes. Sorry I bounced around a little bit. I'm happy to answer any questions.

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

**Commissioner Stites** said I had requested that you reach out in Spanish to the neighborhoods there. I haven't heard if that had occurred or not. **Mr. Moberly** said yes, sir. You made that



request at the committee meeting. That was an oversight on our part. It was not a requirement. It's something we had not done. We have since translated the development agreement and executive summary into Spanish. It is my understanding from your attorney, Mr. LaSala, that that has been posted on the website for public viewing, both in English and in Spanish.

**Commissioner Stites** said it's my understanding—this may not go to you, but that intersection is bad now, right? It's going to be bad if this development doesn't occur, correct? It still needs to be addressed, correct? The traffic study said that there's minimal impact at this intersection. We're going to have to fix it or address it sometime whether this development occurs or not.

**Commissioner Stites** said one of the speakers, and I apologize, I don't remember which one it was, said something and I'm not 100% sure what they meant when they said that we would be losing sales tax, around \$8M in sales tax revenue. I'm not sure what that meant. Do you know what—were we just talking about on the materials? Is that what they were...

**Ms. Carttar** said yes. I believe she was adding the \$6M that we capped the TIF at plus an undisclosed number. I think she was just estimating what a sales tax exemption would count as. Just to be clear, as Mr. Moberly mentioned, none of this money is anything that the Unified Government is fronting. There is no direct contribution from the Unified Government that is money that does not exist today. That will just be forgone and reinvested into the project. As far as the sales tax, again, as Mr. Moberly mentioned, most of that will be sales tax forgone in other taxing jurisdictions, not here.

**Commissioner Stites** said and then someone had spoken about TIF and the negativities of TIF. TIF is a pretty commonly used tool in development agreements to bring in development. Is that correct? **Ms. Carttar** said that's correct. **Commissioner Stites** said and we have many TIFs throughout Wyandotte County right now, right, in many development agreements. Do you know how many TIFs we currently have operating? **Ms. Carttar** said I believe its around 20. **Commissioner Stites** asked, are they performing? **Ms. Carttar** said they are not all performing. I would have to look at our report, but there are a handful that are not performing. **Commissioner Stites** asked, but the majority are? **Ms. Carttar** said correct.

**Commissioner Ramirez** said I just want to touch on this because this is something that I know I talked about and I know Commissioner Davis has talked about affordable housing. Unfortunately, there's not much we, as a governing body, can do when it comes to affordable housing because the state preempts us on a lot of what we can do. We can encourage developers to set aside a percentage amount, but it's ultimately up to them to say yes or no because as a government, we can't say you need to set aside 10%, 20% of your units for affordable housing. We just can't because state law prevents us from doing that.

As much as we want to do more for affordable housing, we kind of rely on outside organizations to help us do that work. It's why I encourage outside organizations to work with us as much as they can to create those affordable housing developers to create those affordable housing units because there are developers out there who do. But we, as a government, cannot mandate in any way, shape, or form, unfortunately. So, I just wanted to make sure that the community was aware. It's not that we don't want to, our hands are tied.

**Commissioner McKiernan** said I thought a lot about this project. I honestly believe it has merit. I honestly believe it will bring community benefit, but I have heard many concerns and in a minute, I'm going to offer some thoughts on those concerns. Get your snacks and your juice boxes. This is going to take a while.

Having said that, I'm completely comfortable with whatever direction my commission colleagues think is the best direction to go on this. I'm going to go where my colleagues think we should go.

In addition to some thoughts, I'm going to offer some suggestions on ways that I think we might directly facilitate benefit from this project other than just depositing dollars into the General funds. If, after I throw out some of my what if scenarios, the Commission and the Administrator and the Mayor believe there's any merit to any of my suggestions, then I think we are going to need to postpone a vote on the development agreement. We could do the TIF district boundaries, but we'd probably have to postpone a vote on the development agreement so we can discuss these ideas and work out amongst ourselves the operational specifics of them.

So, I've heard that the development is not appropriate for Central Ave. Central Ave. is a commercial corridor. Like many commercial corridors, many, if not most of the buildings on Central Ave., are commercial or multifamily buildings. Residential structures are very often located behind, behind the corridors facing structures and, therefore, are buffered from the

corridor. Well, it would seem to me that this development would do that for the houses up the hill to the south on Russian Hill.

I've heard that this development will break the historic character of the neighborhood. If this means demolition of historic structures, then this project will not result in the demolition of any historic structures. The one structure that will be demolished was built probably in the last 20 years. Most of the development will be built on ground that's currently vacant. If the breaking the historic character means that the look and feel of the new structure won't match the existing buildings, then I think I would argue Pala Vista broke that character 25 years ago when it was built.

I've heard that the project is too large for the site, that condos, duplexes, triplexes, quadplexes would be more appropriate. This very well may be true, but my question is, if duplexes, triplexes, quadplexes, townhomes are so ideal for this location, why has no one yet proposed to or built them on this site. As Ms. Carttar showed, even the UG share of a 90% TIF would still exceed the revenue that we would get from a series of townhomes on this location. I think it's worth it.

All right. This is going to be my first. I've got a what if for you. I stayed up way too late last night playing with a spreadsheet and running some numbers just to throw some what ifs. All my colleagues go yeah, we can see that. You and a spreadsheet at 11:30, yeah.

So, I've heard repeatedly that this project does not have any allowance for "affordable" units. This is definitely true. There is a need for more affordable housing units, but this project will not directly have them in it. Now, I would argue that some studies that I read show that there are many benefits from increasing the economic diversity of a neighborhood, and it's possible that these apartments would do that for the area around the construction. But, I have a suggestion for how we might materially contribute to increasing the availability of affordable housing as a function of this project.

I would propose that we take a percentage of the property tax, city-side property tax that would ordinarily be directed into the General Fund and we, instead, redirect it to an affordable housing fund or some other similar device, very similar to what Commissioner Davis has been suggesting since he joined us here on the Commission. If we did that, then we might be able to, with other funds that we could acquire over time, control and directly direct—that's redundant—but we could direct money toward affordable housing opportunities for residents of our community.

Further, I would propose that we take an additional percentage of the property tax that would ordinarily be directed into the City General Fund and, instead, designate it to a home repair and improvement grant fund that could be accessed by anyone who meets the guidelines that we would create, and that said funds could be used to make home improvements that might improve quality of life for those people who might not otherwise be able to make them.

So, this, I'm thinking, my what if last night was, this could give us an opportunity to materially improve the housing and the living conditions of people who live not only around that site, but throughout Wyandotte County who might not otherwise be able to afford the investment. We could take our share of the TIF which, for us, is found money, and redirect it into this other benefit.

It's really interesting. I also heard, in addition to a fear or to a concern that there is no affordable units, I've also heard more than one person say they fear this project will become all low income within just a matter of years. So, there is a definite disagreement, at least among the people who have talked to me, about what the concern is, overriding concern for this development.

I've heard a concern that this development will make the 6<sup>th</sup> & Central intersection effectively unusable but overloading it with traffic. If any of you in this room have driven the 6<sup>th</sup> & Central intersection, you know it is already a mess and it needs to be changed in some meaningful way. If this project doesn't happen, I can pretty much guarantee we're not going to be changing it in a meaningful way in the foreseeable future.

Despite the traffic studies that have indicated that this development will have minimal impact on traffic volume at this intersection, I propose that we take a third percentage of money that would ordinarily go to the City General Fund from the property tax, our share, and designate it as a match for the \$350K that will be contributed by the developer. I think if that were agreeable to the Mayor, the Administrator, and the Commission, I think we could recover sufficient funds in the first 10 years or so to completely rebuild that intersection at the level recommended by our Public Works professionals at the time that the apartment building is being built, so that it is completed at the same time the apartment building is completed.

I've heard a concern that we will clear-cut the side of the hill. We'll take out old growth trees that are on the side of that hill. I did some study on that. I didn't know this. It turns out I read a study and I am not a climate scientist so don't take anything I say as gospel, but I read a study that said new growth trees actually sequester more carbon than old growth trees because old growth trees take it into their leaves, take it down to the ground, and it goes out into the soil

where it can eventually come back up. New growth trees take it into their leaves, take it down to the ground, and bring it back up into new growth. I didn't know that.

I've heard the concern that we're going to be cutting down trees that are on that hill already and that that runs counter to our climate action now proposal of just a few meetings ago. So, what if? What if we took a percentage of the property tax that would ordinarily be directed into the County General Fund and direct that, instead, to the Parks Department for the express purpose of increasing their ability to plant trees for the duration of the development agreement. Why couldn't we facilitate the reforestation using the proceeds from this development as the vehicle to get there?

I have, trust me, I have another 25 minutes, but I'm going to spare everybody and just, well, I'll give you a couple more. I've heard that the Central Ave., the Ride KC Route 102, which is the Central Ave. route, is not a robust transit route. There is no doubt it is not, but that doesn't mean that the route can't grow in coverage. One of the surest ways to grow service in a transit corridor is to add riders or potential riders into that corridor. I think this development could possibly do that. Can I guarantee it? No, but could it? I think it could.

Anyway, I would just stop there and say, commissioners, colleagues, I'm open to your input, your suggestions, and I will move with you. If we were to take my proposals and at least want to vet them, we'd have to delay the development agreement until such time as we could talk and figure things out.

**Commissioner Ramirez** said I like all of your proposals. It's a small amount, but it's a first step. This initial seed money, what have you, is going to be beneficial. It's going to go a long way down the road. It's going to help us create something that I know Commissioner Davis has been working trying to create. I have been wanting to create an affordable housing trust fund as well, especially our parks. I'm sure Angel would love to be able to go around and plant some trees. I do think we should at least take the time to look into the proposals, look into the validity, so I guess, Commissioner McKiernan, I would agree.

**Commissioner Johnson** said I think my colleague, Commissioner McKiernan, has been very generous as far as I'm concerned in terms of trying to find common ground that address the concerns of many of those that expressed opposition to this project. Of course, just being the person that I am, I doubt that those solutions and those thoughts will change anybody's minds if they're opposed to it or not.

One of the things that I think I've been wrestling with and I think we really need to think about this is that I heard Ms. Carttar, Ms. Katherine Carttar say this, that this is part of the expanded downtown presence. When you talk about downtown presence, you're not just talking about downtown Kansas City, KS, you're talking about Kansas City, MO. River Market's being built out. Crossroads District has completely changed in the past five years. People are, developers are running out of geography. For those that are looking at opportunities, we're right across the river. We're five minutes from downtown right now. So, whether we want to admit it or not or accept it, the real estate market is expanding across the river into downtown Kansas City, KS.

We just discussed the way that we grow this community just a few hours ago. It seems like it was just a few hours ago. The way that we grow this community is through responsible economic development. It seems to me that this is an example of responsible economic development. I think Ms. Carttar has put in a lot of work to try to figure out a way that this would truly benefit Wyandotte County and Kansas City, KS. I appreciate your work for that.

We need diverse housing stock. Every project that comes into the east side of downtown can't be affordable housing, not every project. There's got to be some that are market rate. We've got to have some that is affordable because we still need it.

Now, this is just my speculation. My speculation is that these units are going to sell like hot cakes. We're going to have people moving into these units and they are going to be spending money at Slap's. You think the line is long now. They are going to be buying coffee. They're just going to be doing those—they're not going to go somewhere else. They're going to buy gas in Wyandotte County. They're going to go up the street and get some tacos. They're going to go up Central Ave. They're going to spend money in Wyandotte County.

So, this is what I believe is needed. I do know and I understand the residents don't want to see—they didn't move into their location; they didn't stay in their location for it to be changed, but, we still need to have more economic development.

I'm going to close with this. We cannot afford to walk away from any viable project. We're not there yet. We're just not there yet, especially on the east side. As far as I'm concerned, this is a viable project that I'd like for this Commission to get behind. I'd go as far as making a motion that we approve this as been set before us as submitted.

**Action:**        **ORDINANCE NO. O-109-22**, “An ordinance making findings and establishing a redevelopment district pursuant to K.S.A. 12-1770 et seq., and amendments thereto, located at 10 South Hallock Street (5th and Central Avenue).”  
**Commissioner Johnson made a motion to approve the ordinance as submitted.**

**Commissioner Stites** said, Katherine, if you would or, Ms. Carttar, if you would, if I’m not mistaken you said that you’ve already spoken with the developer to explore other avenues of different type of housing outside of market rate and that they’re eager to look. As a matter of fact, I think you said that they are already engaged in affordable housing projects in this area. So, it’s not a one and done type project, is what I’m hearing. I’m in favor of it. With that being said, I’ll second the motion.

**Action:**        **Commissioner Stites seconded Commissioner Johnson’s motion.**

**Commissioner Bynum** said there’s a couple of items that we would vote on, so we would want some clarity about what motions have been made. But before we do that, I want to make some comments and ask a few questions, I suppose.

I know part of the concern and objection that I’ve heard to this specific project is the market rate component. I don’t think that Russian Hill and Strawberry Hill are necessarily full of affordable housing. I say that for a couple of reasons. The first one being that my daughter was fortunate enough to graduate with her degree in May and immediately set off on her quest to find a place to live in Wyandotte County. We looked everywhere. We looked north, south, east, and west and I don’t exaggerate.

We found houses on Strawberry Houses on Strawberry Hill for \$2K a month in rent. I just looked up rentals on Strawberry Hill tonight as we were talking. Turtle Hill Lofts is upward of \$1,400 monthly, City View at Splitlog, at 5<sup>th</sup> & Splitlog, you could pay up to \$1,700 a month. There’s a house at 4<sup>th</sup> & Sandusky with one bedroom that you can have for \$2,395 a month; one bedroom.

So, I say that because it’s not like bringing a market rate project is ruining the affordability market there. I’m not buying that. What I will accept is does the Unified Government need to look into helping to propose some sort of affordability housing policy? Yes. I’ll buy that. I

believe that within Katherine Carttar's department and Gunnar Hand's department, we're bringing a housing specialist onto staff, if I heard Gunnar Hand correctly the other day. So, affordability is a real issue. I'm not saying it isn't. Market rate in the location where it's being proposed isn't disrupting an affordable housing market in that area that I can see.

So, a couple of things. If we like what Commissioner McKiernan proposes by way of creating new policy around the way we might shift some of the property tax receipts we receive into specific areas, it sounds like a policy conversation that would probably have to go to Economic Development & Finance Committee. I'm all for it. If we want to do that, then we probably have to delay, if I understood you correctly, we probably have to delay the development agreement piece of this.

If we are in general against the incentive of a TIF because it diverts away tax dollars, I would be curious if your department could then, as we study our affordability issue, could your department, Ms. Carttar, provide for us in the area, let's just say from 12<sup>th</sup> St. east, north to south, an analysis of any NRA that's been given and the total value of those tax dollars that were rebated through the NRA Program. I'm just throwing that out as another way that we try to incentivize development and redevelopment in this area. We probably have folks who have taken advantage of that incentive item.

I would lastly say that I'm in 100% full support of, again, the three ways that Commissioner McKiernan has spoken of creating pools of money for very specific things with some of these tax dollars. I work at an agency that provides minor home repair services to older adults, so I've been doing that gig for a long time. I would volunteer to be a part of any committee that puts guidelines around the way that we might use minor home repair dollars, and we would need some guidelines. I would just say, fellow commissioners, we have CDBG dollars now that do minor home repairs and they're very specific. It's like three or four things only. So, we would want to keep that in mind.

I like the innovation of the way that you are thinking about trying to capture some dollars to do some things we know we need and that we know we want while still receiving some tax dollars and answering some of the concerns of the neighborhood. I'm deeply appreciative of that and I support it.

**Commissioner Davis** said it's like a lot of people are saying my name so I should say something. A few things kind of come to mind. In order for—if you look at thriving cities, right, cities that



you—here you go on vacation, go to a conference, whatever. Cities that we envy are the cities that have taken risks. They have said we need to build. We need to bring in vision. We need to bring in people. We need to bring in density. For Wyandotte County, we are on the precipice of doing that because of our geographical location. I say all that to say, in order for us to get to where we need to be, for the appearance of our community to change, which is what was identified in the community survey, we are going to have to take risks. I am absolutely for all of the community benefits. Mr. Moberly, it would be great if we can get even more than \$350K, but I'm just going to throw that out there.

On a housing program or a housing trust, whatever that is, there was already some momentum. So, just to give everyone some context. For ARPA, we found out that we are able to do a housing trust that is allowable under state statute, which is good. Right now, the question is, how much? More than that, administration. Who's going to be over that process? What is going to be the criteria? There's a lot of questions that we probably need to have multiple special sessions over. No time soon, right, because we need to pass this budget. But there's real dollars and there's real political will which, I mean, that's gold, right? If you have money and the votes.

With the criteria, I believe, we have over \$100K that's also been set aside to go into this fund. For this project, there will also be some money set aside. Just to give you all some context for ARPA, we still have over \$13M left on the city side and \$2M left on the county side. That can be used for a variety of things including matching grants, but I'm an advocate that it be used, a portion of it be used for some sort of affordable housing program.

There are other options we can look at. Landlord risk mitigation funds to help those that are struggling to pay rent. We can also look at, as my colleagues have mentioned, home improvement programs. All of that to say, there are options.

As Commissioner Bynum has so eloquently put, we don't have to do much for our neighborhoods and our communities to gentrify. We don't have to do much. I don't have to really get a vote. I don't have to say hey, I want to increase it. The private market does that. The only way we, as commissioners, can be effective is if we find revenue, either existing to be allocated or new revenue that we can dedicate to mitigating the impact of private markets. That's what this conversation is about.

I had a conversation with one of the opponents there and I'll tell you all what I told him was, the solution is no development at all. It's taking the opportunity that we have before us and

making the best of it. I think we have a chance to equitably distribute the revenue that we receive from this project to make it happen.

So, I'm going to make a motion to—I'll make a substitute motion to hold over just the resolution for the development agreement to October so that we can, I want us to get past the budget and everything else, but that's going to be my motion to hold over the resolution agreement, just the resolution agreement, the development agreement to October for further discussion so that we can codify some of these community benefits in the actual agreement.

**Action:** **Commissioner Davis** made a substitute motion to hold over the resolution for the development agreement to October for further discussion to codify community benefits in the actual agreement.

**Mayor Garner** said before I get to Commissioner Johnson, I'm going to allow our Chief Legal Counsel to weigh-in.

**Misty Brown, Chief Counsel**, said what I would like to do, Mayor, is we had an original motion from Commissioner Johnson and a second from Commissioner Stites, but I was going to ask Commissioner Johnson to clarify which item he was proposing to approve.

**Commissioner Johnson** said perfect. That's exactly why I had my button pushed. My motion was for the first item which was the ordinance establishing a redevelopment district. That's what my motion was for. I have further comments, but I'll just let you all muddle through that first.

**Ms. Brown** said and may I ask, Commissioner Stites, was that what you believed you were seconding when you made that motion? **Commissioner Stites** said yes.

**Commissioner Johnson** said, of course, we've been talking about how do we streamline this economic development process. I don't have a problem. I think it's probably right to wait a little bit on the resolution of the development agreement, but we also need to be mindful of how we do streamline this. I don't want this to get kind of hung up because this is not something that is new to us. We've been knowing the 505 Project for a couple of months at least, maybe longer than that. My thing is that here's a case study of how we try to work through these projects, not be reckless, be responsible, but not allow them to take all day. I do appreciate the developer that is

here after having been in the hospital and yet, he made the sacrifice to be here for the project. Again, that's just my comment.

**Commissioner Townsend** said just for clarity sake, would you restate what the current motion is that was brought forward by Commissioner Johnson and seconded by Commissioner Stites. **Mayor Garner** said I'll defer to the Clerk or to our Legal Counsel.

**Ms. Brown** said the motion was a motion to approve an ordinance establishing a redevelopment district that was moved by Commissioner Johnson and seconded by Commissioner Stites.

**Commissioner Townsend** said so that was the motion. That would approve the TIF, the district itself? Okay. I tend to agree with that, but just curiosity and clarification, what would happen to, assuming that motion passes, what happens to that TIF district if the project overall does not move forward? Does it go away? Does it stay? Is it unique to that development that's proposed?

**Ms. Carttar** said basically, the TIF district, that is purely stating a district. That can stay until we decide it no longer makes sense to have that designation. There's no impact on any taxes unless a project plan moves forward. So, once a project plan comes forward and is voted upon by this body, that actually puts a project into motion and specifies exactly what that looks like in terms of a TIF, what the deal points are. If you all approve the district tonight, but then determine down the road to not approve the project plan, it can remain as a TIF district and that is one step done for if another developer wants to come in and propose something or you can, at the same time, terminate the TIF district and then we would be at the same point we are today.

**Commissioner Stites** said the clock on the TIF doesn't start ticking until the TIF plan is put in place and then that's when the 20 years start, so we're good to go there. I would like to ask the developer, what happens if we kick this development agreement, again, down the road, what impact does this have to the developer?

**Mr. Moberly** said I wish I knew. Construction costs are all over the board. Our concrete costs went up 5% in two months just for our parking garage. Some stuff comes down, some stuff goes up. I can't stand here and promise you that if you pass the development agreement and TIF plan that we can get this project done. It was 18 months ago that we put this budget together and

this proforma. I believe we can or I wouldn't be here. I wouldn't continue to work with the community and work with the neighbors and engage if we didn't.

What I can say is we will not move forward with our development design process until a development agreement is approved. We're going to spend close to \$750K between now and a construction loan designing the building. That's pretty normal. We just can't make that investment with the chance that a development agreement doesn't get approved, our incentive doesn't get approved, and the project is not financially viable. We're not a large company that can just stomach those kinds of redevelopment losses. We have to make calculated risks.

I am incredibly supportive of whatever you want to do with the 10% of the property taxes that you keep. It does not seem to make sense to me that that use would live in my development agreement. It has been a highly negotiated document on the things that I am paying for, the things that live in my project. Once you get the 100% property taxes and reimburse us our 90%, what you do with the 10% is beyond my development agreement.

So, I want to be careful with my words. I'm a little confused about why the development agreement would be held if the only open item is the use of the 10%. I certainly understand the ideas. I understand that it builds support and garners different ideas to counter some of the opposition, but I—and I would defer to city counsel if that is codified, is it even appropriate to put in a revised development agreement? I'm told by my counsel it is not.

I believe the development agreement you'd be considering in October, after I've had another two months of sitting on the project and construction costs going up, would be the same development agreement you're seeing tonight. That's a little bit more answer than you were asking for.

**Commissioner Stites** said it is. I appreciate your answer, though. I think that the discussion of what we do with our money that comes in happens between us, not directed at this development agreement. It should not hold up the developer from moving forward with this project while we sit back and try to decide where we put these dollars. That needs to be decided amongst this body. I'm not saying behind closed doors. I'm just saying not with holding up this development agreement.

**Commissioner Bynum** said I understand that. I hadn't really thought about it that way, but I think where we were trying to go was just answering some of the concerns of the neighbors but also trying to be creative about things that speak to affordability. So, I guess I would ask Misty

Brown, would those things even be possible to include or should we just make a commitment as a Commission that we'll have those discussions and make those policy decisions outside of this development agreement? It makes sense what he's saying.

**Ms. Brown** said, Commissioner, I think it is a good question and I don't disagree with the developer's attorney that this would not necessarily be something you would put in a development agreement. If this policy decision of the Commission was to go ahead and specify how we were going to direct the taxes that came back to the Unified Government, we would draft a home rule ordinance to come back to this Commission to vote on that to direct those remaining taxes into that trust fund or into some other housing fund that the Commission would delegate at that time.

**Commissioner Bynum** asked, can I just put a bow on that maybe because I think what we were getting at was on, I won't speak for Commissioner McKiernan, but why it spoke to me was because it closed a loop instead of just aspiring to maybe we could do something good. We were closing a loop and that's what I liked about it, but I want to be legal, but I really want to pursue that.

**Ms. Brown** said I would note that Todd LaSala is online and I believe he may have his hand up and like to add a few more words to what I said.

**Todd LaSala, Attorney**, said, Misty, I would like to add a thing or two. I agree with what you just said and I have perhaps a suggestion. I mean I do agree that it would be unusual to do the things we're talking about in a development agreement. Perhaps a way through this tonight, Commissioners, would be that we could instead of codifying these ideas in the development agreement, we could add a condition that in order for the project to proceed and the incentives to go live, you will have in another document, you will have separately decided how to accomplish the objectives you're talking about tonight. I don't think I have the exact words to do that right now, but I do think that perhaps a two sentence condition added to the development agreement that says we're going to address what the UG does with its 10% of the money, might be a way through this topic tonight.

**Commissioner McKiernan** said thank you, Mr. LaSala, I appreciate that. It was actually not my intent when I suggested that this might hold that this actually be in the development agreement because I certainly understand that what we choose to do with our proceeds from this are our decision and they don't really affect the development agreement. I only offer that as a way that

we could possibly just make sure that we were on the same page with what we were proposing to do with our 10% if that had any bearing on our willingness or ability to say yes, let's do the development agreement because now we know what we're doing on our side. But I never intended that this language be written into that.

**Commissioner Kane** said I don't know a whole lot about construction, but what I do know is that each day you wait, it gets more expensive. Each day you wait, you're going to lose people to come to perform your job. There's a lot of projects, 69 Hwy., the Panasonic thing. A lot of things that you guys don't know about. Where's he going to get the workers to perform the job if we continue to delay this? Yeah, the levy project. We need a bridge fixed.

I would think that we would push both these forward and then the Commission, as a whole, would discuss what Commissioner McKiernan was talking about, so we can give this old boy the opportunity to build some really nice stuff. Folks, I'm not kidding you, we're having a hard time. We are trying to get 18 and 19-year-old kids to come to our apprentice program. We've actually asked retirees to come back to work for us. So, I would say that we make the two motions and then, as a group, we decide—and your idea's great, decide what we do with it at a later date. Can I make a motion like that?

**Commissioner Stites** said we've already got one.

**Mr. Moberly** said one thing to consider. Best case scenario, we are under construction in 8 months. It takes 16 months to build. It goes on the tax rolls. The ideas you have, you have 2 years to figure them out before there's any money to spend. You have time. I won't pay full taxes until the property's built on the tax rolls. The world's going to look a lot different in two years. There might be different needs at that time. I would just offer that.

**Commissioner Townsend** said we've got a motion on the floor and a second. I was going to call for the question so we move on with that vote and get something done here.

**Commissioner Davis** said my only worry with this, and I can hear folks saying we passed the agreement, we passed everything else, and we didn't get the community benefits codified. Mayor, can I get a commitment from you that you will put the ordinance on the agenda so that we'll get—we're good. Okay. All right.

**Mayor Garner** said if I can wrap this up with my comments. I appreciate this type of dialogue. I mean if anybody's watching, this is the type of dialogue that really we need to have. It kind of goes along with what Mr. Vandeusen said, we're in agreement. I think the biggest agreement is we come to realize here in short order that we've got to broaden our tax base. We need to bring in income. We need to bring in residential. People, they're going to shop, entertain. Create tourism districts, they're going to draw more people even if they don't live here. They can add value to our tax base so we can get these tax dollars rolling in so we can do the things to take care of our infrastructure.

I do like the things that Commissioner McKiernan said. I'd go a step further. We've got a bridge out right at that location. I know we talked about an intersection development. That's a thought that this Commission can think about, taking some of that money to help redo the bridge and opening up that pipeline into the Bottoms and up 12<sup>th</sup> St. into Kansas City, MO. Outside of—you can look at senior projects, Homestead. We listened to some seniors that were saying they can't afford the taxes going up because they're on a fixed income. I mean, where I'm going with this is for this Commission to take into consideration an opportunity that we have right now because developers, according to Commissioner Johnson, they're landlocked downtown Kansas City, MO. They're building north, they're building south, and they're building out west. We sit in the donut hole of the metropolitan area and people are starting to take a look at Wyandotte County.

When LaVert Murray did his presentation, these were developers that were hungry, eager, and saying we want to come to the table. They're not the only ones. I'm telling you, there's a lot more lining up and they're going to be coming to Wyandotte County to look for those opportunities.

If you talk to past Mayor Joe Reardon, when he was promoting the airport and just his estimate of the economic development boom that that international airport that is going on right now in Kansas City, MO, would cause in the metro. I mean, Kansas City, KS, is that area where land is still cheap. We've got a lot of Land Bank property and development opportunities are really there.

I think the question is, looking at developments, making sure they're responsible. I believe that if we get two or three good developments, that is going to seed a boom and our problem is going to be these types. We're going to be keeping developers out because we're

going to be getting inundated with development opportunities. I do believe that there's enough diversity of market rate, affordable housing.

I really don't understand what affordable housing looks like any more. Rents are going up all over the country. A lot of that has to do with a short housing stock. The interest rates are going up. The unaffordability of owning a home so people are looking at renting. I know our neighbors right across the river, their commission and council, I guess, struggle on settling on \$1,200 as being affordable housing and people don't agree with that. But I'm telling you, that's where rents are going and Commissioner Bynum hit on that tonight with how high the rents are going up because the demand is there.

With that being said, I do believe that the overall consensus here is that we know we have to invest in the disinvested parts of our community. There's a lot of opportunities to do that. Wyandotte County is ripe and ready, and it's really encouraging for me to hear this Commission talk about the best way to get there. That 10% I believe that we can do with it as we please at a later date. I will honor Commissioner Davis. I was planning on doing that anyway, getting that to you all for consideration through standing committee to really work on what you all deem best on how to apply those funds.

I do agree with Commissioner Kane and Stites that 18 months is a long time for a developer to sit in queue waiting on us to make a decision. I don't know many developers that would do that when costs keep going up and now you couple that with interest rates. I'm surprised he's even still here. I just—I really urge this Commission to make some decision, either one way or another. Chief Counsel, if you could just go back to—I counted three motions. What motions do we have on the floor?

**Ms. Brown** said you have a motion to approve the TIF district on the floor with a second by Commissioner Stites. There was a potential substitute motion by Commissioner Davis. I don't believe there was a second on it, so the one and you have a call for the question on the floor. You are ready to vote on that first item to approve the TIF district.

**Mayor Garner** said I believe Commissioner Johnson made a motion as well. I don't know if he had a second. **Commissioner Johnson** said yes, sir. That's it.

**Mayor Garner** asked, Clerk or Chief Counsel, can you just, for clarity, let us know and if we can confirm with those commissioners that made the motion and the second if that's what we are voting on.



**Ms. Brown** said the item before you is an ordinance establishing a redevelopment district that was moved for approval by Commissioner Johnson with a second by Commissioner Stites. **Commissioner Johnson** said confirmed.

**Mayor Garner** said so I take it there was no motion to approve this development...just this one first, okay. So, we do have another motion? Okay. Clerk.

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

**Action:**       **RESOLUTION NO. R-46-22**, "A resolution adopting the 505 Central development agreement." **Commissioner Johnson made a motion, seconded by Commissioner Stites, to adopt the resolution as submitted.**

**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 ten "Ayes," Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

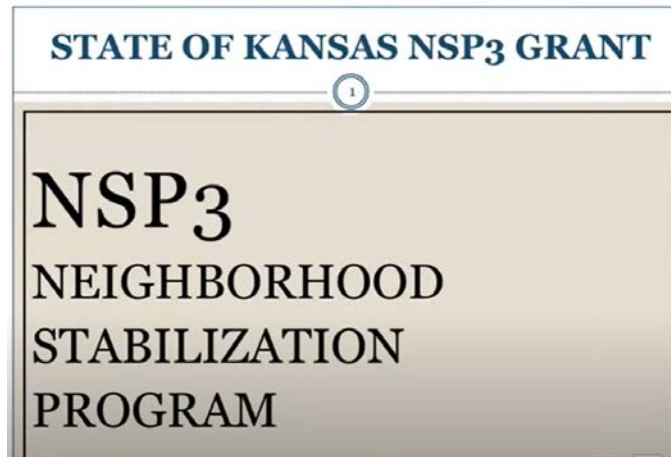
### **STANDING COMMITTEES' AGENDA**

#### **Item No. 1 – 211866...RESOLUTION CLOSING OUT NEIGHBORHOOD STABILIZATION PROGRAM (NSP3)**

**Synopsis:** Request to conduct a public hearing on August 25, 2022, and a resolution approving the close-out of the Neighborhood Stabilization Program (NSP3), submitted by Wilba Miller, Director of Community Development. On August 22, 2022, this item was heard by the Administration and Human Services Standing Committee, chaired by Commissioner Markley. It was requested and approved by the Mayor, to fast-track this item to the August 25, 2022, full commission meeting.

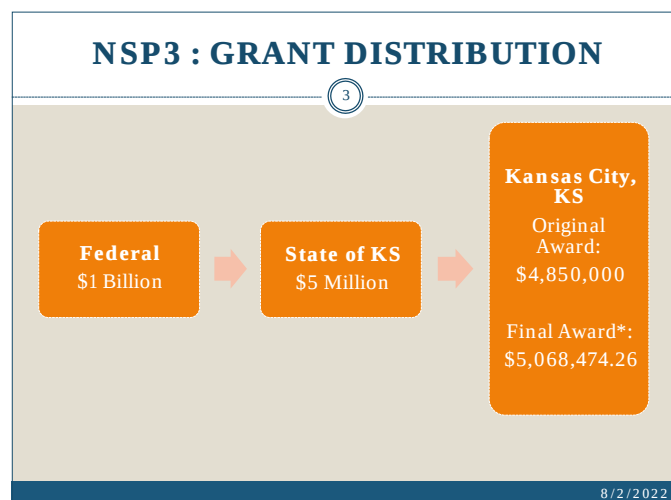
**Mayor Garner** said I'll ask Commissioner Markley to make some opening remarks before the presentation by Ms. Wilba Miller, the Director of Community Development.

**Commissioner Markley** said this is as it states, a close out of the NSP3 Neighborhood Stabilization Program. I believe it was also fast-tracked to this meeting, which is why it appears in the agenda here. Wilba can make presentation or I'm happy to make a motion that we move ahead.



**Wilba Miller, Director of Community Development**, said I need to have a public hearing. I'll go fast. This is the state of Kansas Neighborhood Stabilization Program. The primary purpose of this grant was to arrest housing decline and to stabilize neighborhoods. We focused on specific target areas to make a visual impact and revitalize the neighborhoods. No scattered site development was in this program like NSP1.

At least 25% of this grant must have benefited 50% of area median-income persons or families.



This was a \$1B federal grant. The state of Kansas received \$5M and we received \$4.8M of it with a final award of \$5.68M.



This is the target area on Quindaro Blvd., 22<sup>nd</sup> to 27<sup>th</sup> St. It was later expanded to 10<sup>th</sup> St. This area was identified by a HUD mandated use of a mapping tool. The NSP3 funds were spent at a minimum consensus tract which the state identified were closure risks of 12, with 20 being the greatest need.

Due to limited funding, the UG only did census tracts over the 16 and over. Assistance was given to at least 20% of eligible bank-owned properties in order to have a visible and lasting impact, and the use of market analysis techniques were used to identify structures within that priority area. It was chosen because of its part of the approved state targeted area. It's a highly visible area close to the intersection of N. 18<sup>th</sup> St. & I-635. It uses a corridor development approach rather than an interior approach, a gateway from 635 to Quindaro Blvd.

The elements of the UG Land Plan that develops both the urban residential and indirectly strengthens future commercial development through NSP.

| Goals and Accomplishments                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"> <li>Goals: <ul style="list-style-type: none"> <li>○ Acquire 29 properties</li> <li>○ Demolish 9 properties</li> <li>○ Redevelop 20 properties</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>Accomplishments: <ul style="list-style-type: none"> <li>○ 16 new construction units added</li> <li>○ 5 Units rehabilitated</li> <li>○ 5 new construction units added with assistance of other federal funding</li> <li>○ <b>26 total units of housing</b></li> <li>○ Energy Efficiency Standards</li> <li>○ Local Hiring Priority</li> </ul> </li> </ul> |
| 8/2/2022                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                 |

Our original goals were to acquire 29 properties, demolish 9, and redevelop 20. What we ended up doing was we put in 16 new construction units, 5 units were rehabilitated, and then with an additional federal grant, we added 5 new construction units, for a total of 26 units along Quindaro Blvd., from 10<sup>th</sup> to 27<sup>th</sup> St.

These houses were energy efficient and we did do Section 3 and local hiring priorities.

| NSP3: UNIT SUMMARY      |                       |             |
|-------------------------|-----------------------|-------------|
| 5                       |                       |             |
| Type of Unit            | Expended              | Percentage  |
| Households <50%         | \$1,430,401.96        | 28%         |
| Households >120%        | \$3,306,808.32        | 65%         |
| Administration (7% cap) | \$331,263.98          | 7%          |
| <b>Total</b>            | <b>\$5,068,474.26</b> | <b>100%</b> |
| 8/2/2022                |                       |             |

These are the type of units we ended up with. Households that were below 25%, we were required to do 25% of those. We did 28%. Households over 120%. That should be under 120%; 65% and then admin 7%. So, this closes this grant. I've asked for a resolution to authorize the Mayor to sign the close out documents.

**Mayor Garner** said I'll now open the public hearing and ask the Clerk if any notification had been received from the public who wish to express their comments regarding this item. **Ms. Sparks** said no comments received.

**Mayor Garner** asked, is there anyone in the audience who'd like to speak on this item? Seeing none.

**Mayor Garner** asked, is there anyone else online? **Ms. Sparks** said no hands are raised.

**Action:**        **RESOLUTION NO. R-47-22**, "A resolution authorizing the close-out of the Neighborhood Stabilization Program (NSP3) and submission of the grant close-out transmittal form and other associated documents." **Commissioner Markley made a motion, seconded by Commissioner Davis, to adopt the resolution.**

**Mayor Garner** said I'm going to close the public comment. As a matter of order, are there any questions or comments by the Commission? Hearing none, I've got a motion and a second for approval. Clerk, roll call.

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

**Mayor Garner** said before we proceed, I'm going to have, as a matter of order, we are not going to make it to the 12:00 deadline. I'm going to have to sequester this Commission for approval to suspend the rules of order so we can go past 12 midnight into no later than 0030 hours of August 26, 2022. Is there a motion?

**Action:**        **Commissioner Stites made a motion, seconded by Commissioner Bynum, to suspend the rules of order to go past 12 midnight.**

**Commissioner Davis** said he (the Mayor) said zero. Are we saying 30 minutes? **Mayor Garner** said 12:30.

**Mayor Garner** said I have a motion and a second. Roll call, please.

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

### **ADMINISTRATOR'S AGENDA**

#### **Item No. 1 – 211871...PRESENTATION: LEGISLATIVE REPORT**

**Synopsis:** Presentation of current legislative activity by Paul Davis, submitted by Mayor's Office.

**Mayor Garner** said I'll turn it over to Administrator for introduction.

**Cheryl Harrison-Lee, Interim County Administrator**, said we're pleased tonight to have Mr. Paul Davis, who is our lobbyist, to talk about some of the post-legislative session discussion work. When we negotiated Mr. Davis's contract, we talked about some of the things that he would provide in addition to serving as our lobbyist during the session. They included a post-session meeting and wrap-up with the Wyandotte County Delegation. We've had that meeting. It also included an economic development roundtable discussion with Lieutenant Governor Toland particularly in light of economic development being a priority for this Commission. It also included a post-session briefing for the UG Commission, which he is prepared to do tonight as well as key meetings with cabinet officials and elected officials in Topeka, and meeting with department officials. With that, I will turn it over to Mr. Paul Davis.

**Paul Davis, Lobbyist**, said I've got the distinction of being about the only thing that is between you and getting home and getting some sleep. So, I know that the hour is late and I will try to move through this as quickly as possible. But I appreciate the opportunity to be here before you. I'm acquainted with some of you and others of you, getting acquainted for the first time and look forward to getting better acquainted.

Just by way of—I'm in my first year of representing you at the state capital. Some of you may be familiar with my background, maybe others are not. I spent 12 years serving in the State Legislature and served as the Minority Leader for 6 of those years where Commissioner Burroughs, Representative Burroughs, as I know him, was my Assistant Leader during that time. I've had the good fortune to work very closely with your local delegation on a number of issues during that time. They're folks that I'm very well acquainted with and have also had the

opportunity to spend a good bit of time here in Wyandotte County and just really a delight to be able to be able to represent you at the state capital.

I first wanted to talk a little bit about just this past session and reflect on a few things that happened here. I'll start, I guess, with maybe the not so-good news. Every 10 years, the legislature goes through a redistricting process. It is, by far, the most political thing that the legislature does. I've lived through that 10 years ago. Representative Burroughs inherited the position that I had 10 years ago. He was ranking member of that committee. It is a difficult process. As you know, Wyandotte County sort of became ground zero for congressional redistricting. There's no way to describe this process but partisan. That is why the result that occurred, occurred.

I will say that somebody who grew up and representing a district in Lawrence that was split in two among two congressional districts, I think there can be some advantages to that. You have two people who you can get in their ear and, hopefully, get them to help you. I'm going to talk a little bit about some of those things later. As much as it's not—I don't think anybody wanted to see this community divided between two congressional districts. I think there may be some opportunities going forward.

Legislature, the House, and the senate districts also got reapportioned along with the State Board of Education district, which probably got gerrymandered more than anything else, but it doesn't get a whole lot of publicity because it's the State Board of Education.

The legislature also took action. The Governor ultimately signed a bill that was a reaction, I think, to the Safe and Welcoming ordinance that you all passed and also some other ordinances that had been passed by other entities in the state. I don't think it's any secret that this is an election year. This was proposed by the Attorney General who is running for Governor, and these issues get political, unfortunately. But I do think there's a lot of community members from Wyandotte County that came over to the capital and testified and I think did a wonderful job of representing the community and the cross-section of opinions on that issue. I certainly also appreciate Dr. Edwards who came and took some arrows from members of the legislature and testified on behalf of the Unified Government.

Now on to some good news. The legislature passed a three-year phaseout of the sales tax on food. This has been a policy position in the UG, as you are well aware, and sort of hoped that it was going to be able to all come at once, but ultimately, it's going to be phased out over three

years. I think for anyone who goes to the grocery store and sees what you're paying for sales tax, this is going to benefit a lot of people here in Wyandotte County and across the state.

A couple of—and actually I'm going to go out of order here just a little bit because I want to talk about a couple of specific bills. Also, in the category of good news is the so-called bank of KDOT officially has been closed. For those of you who are not familiar with that term, the Transportation funds have been raided by the legislature and by governors over a period of years. Governor Kelly committed that she wanted to close the bank of KDOT and stop the transfers that come out of the Department of Transportation to support other general government functions. What this means is that the funds that really are dedicated for transportation projects are going to go to those projects.

When the last transportation plan, the Keyworks Plan was passed, you saw many, many projects that just wound up on the shelf because the funds had been taken out of KDOT and there were just no funds available. So, the critical infrastructure projects, which I want to talk about in just a moment, we are, hopefully, going to be able to make sure that those projects are really going to come to fruition as a result of that.

The issue of Medicaid expansion is an issue that continues to be discussed in the legislature. I'll be frank in telling you that I don't think the prospects for passage of that are particularly good given the current makeup of the legislature and the legislative leadership's position in opposition to that. There's a lot of forces out there that are going to continue those discussions. At some point in time, there may be a solution. At some point in time, the federal government may step in and do something on that issue.

The Clean Slate Legislation is something the UG has been involved in. This is a bill that will set up an automatic expungement process. Representative Curtis, in particular, has been very involved in that despite District Attorney Dupree's support for that. He came and testified for the bill. The County and District Attorneys Association did oppose that bill, but I know that there have been a number of discussions about that. I think that they may be coming around so there is some hope that maybe something may get done on that next year.

As you know, you have a vacant property registration here. Many other cities across the state have those. There was an effort to ban municipalities from having vacant property registrations. We opposed that bill and were able to keep that bill from moving forward.

The Expedited Partner Therapy is an issue that is near and dear to the public health department, had a number of conversations with them. This bill actually passed the House.



Passed the House by a pretty good margin, but it has been bottled up in the Senate. There are going to be continued efforts to try to move that bill forward.

Many of you may be aware with some of the issues with the State Child Mortality Review Board and their inability to be able to share information with the local board that we have here in Wyandotte County. There's been a number of people who've been working on this issue. We brought a bill forward. Representative Burroughs and Representative Wolfe-Moore helped us get that bill introduced. Senator Pettey is very involved with that. The bill got moved forward late in the session and we didn't really have the time to be able to get it moved forward, but hopefully next year we'll have an opportunity to do that.

Also, the upper story, the so-called Upper Story Bill, there are a lot of rural housing and development credits and incentives that are available right now. I think a lot of frustration of the more urban cities is that it seems to be more of a focus on rural areas and that we ought to be included in this. So, this is an opportunity to if there are projects that are in downtown type areas of improving, renovating, expanding, second story and above, these incentives that are available in rural areas will be available here. So, that will be discussed as well.

We've had a couple of meetings. The Mayor came up to the capital during the session and we just met recently with the legislative delegation and, I think, had a really, really positive engaging discussion. We're going to do that again here soon. We're trying to just make sure that we keep our local delegation informed about what's going on at the UG and also be able to connect with them on the issues that they're interested in. I'm very pleased with how those meetings have been going.

I came over last week for a meeting that Commissioner Kane put together talking about infrastructure needs. This is really a unique time because of the federal bill legislation, bi-partisan infrastructure legislation had passed. It's putting, I think, \$1.3T that is going to be coming down to the states. Then, at the same time, we have the Ike Transportation Plan, which was enacted several years ago. So, one could say that KDOT is a little bit flushed with money. As you all know, we are flushed with infrastructure needs.

So, we had a number of representatives from KDOT and, I think, had a very fruitful discussion particularly talking about the bridges and Central Ave. and Kansas Ave. and the needs that we have, really immediate needs that we have with regards to those two bridges. I had a follow-up discussion with KDOT and I think they're very committed to work with us to try to help solve some of those infrastructure needs.

One of the things that's going to be very important when we're applying for those bill funds is really bringing partners to the table. It's going to be difficult to stand on our own without bringing in whether its regional partners, businesses, others who have a stake in these infrastructure projects. So, I would just urge you to think about entities that can be partners. When you think about the businesses whose employees need to travel across those bridges to work and bringing them to the table to help us. If we can get more partners, we're going to have a greater success level. I've talked with the KDOT secretary several times about that and she has been very, very adamant about how we need to have more partners.

We're also reaching out to the federal delegation to ask for help. Some of you may be aware that earmarks have come back in Washington, DC. They were banned for a number of years but they are back. I think we have some opportunities to look at some future earmarks, especially when you look at a project the size of, I believe, Kansas Avenue Bridge. Sixty million dollars is that right, as I recall the Public Works Director said to replace that bridge. We're going to need federal help if we want to do that.

Representative Davids is the Vice-Chair of the Transportation Infrastructure Committee. She's in a very unique position to help with that. I had a conversation with Senator Moran's staff, and we've invited Senator Moran to come and do a tour of the infrastructure projects that we have and they're very interested in doing that and committed to do that. So, I think that's a positive thing.

The Mayor, I know, is going to Washington, DC, here later in the month and we're going to try to arrange some visits with the federal delegations so that we can just drive home the infrastructure needs that we've got here.

On the economic development front, Lieutenant Governor Tolan, as you know, is also the Secretary of Commerce. The Department of Commerce is sort of the welcome mat for those who are looking to expand into Kansas. We have asked him to come to Wyandotte County and he's going to do that to tour some businesses. I think what we want to do is just leave him with the impression that we're ready and open to do business here in Wyandotte County. We want him thinking about utilizing Wyandotte County when he's talking and his department is talking to businesses that want to relocate. I think everybody knows that the Panasonic project is really a historic project. It's a game changer. It will have an effect all across the region. We are poised to really take advantage of that if we can.

We have elections. You all are elected officials and so you know when elections are. It's that season. The House of Representatives in the state are all up for election. I want to note that our delegation here in Wyandotte County—and there was an article in the *Kansas City Star* a while back—has had a great deal of seniority because we've had some folks who've been around for a while. That's going to change after this election. Commissioner Burroughs, Representative Burroughs is retiring as is Representative Wolfe-Moore and Representative Henderson. So, we're going to have some new faces in our legislative delegation. I think it will be that more important to make sure that we're having continuing dialogue with them and finding out what their priorities are and knowing what our priorities are as well.

The Kansas Senate is not up for election this time. All of the statewide offices are up. We have a competitive election for Governor, Attorney General, State Treasurer. Also, races in Second District, Third District, US Senate race. I think everybody's aware that former Mayor Holland is a Democratic candidate for the US Senate.

Then looking forward here, the state budget. These have been unprecedented times for the state budget. Years past, we have been looking under the couch cushions trying to find dollars; robbing Peter to pay Paul, and all kinds of budget tricks; but the state has really been flushed and the revenues are continuing to exceed projections into the hundreds of millions of dollars. So, the state is still going to be in a very strong financial position. As Representative Burroughs is on the Appropriations Committee knows that that does change over the next several years, but I think there's still going to be some opportunities for expenditure and perhaps even tax reductions coming in the next session.

As we look forward to that, one of the things that I, in talking with the legislative delegation, many of them said to me that the document—we have a 14-page document of legislative priorities. They said to me, it's just too much. There's too much in here and can you narrow that down and really let us know what the UG's priorities are. So, that's one of the things I want to urge you to do. As we move closer to the next legislative session, I think we can still utilize that document, but yet, really looking at what are the five or six issues that are really the priorities that we can communicate to the legislative delegation and to legislative leadership.

Along those lines, one of the things that I want to do, and after we have leadership elections, I'd like to have the Mayor and any of you who are interested, come up to Topeka and talk with the legislative leaders. We want them to know that—sometimes they have perceptions of Wyandotte County. We're the blue dot or whatever, but we want them to know more about

Wyandotte County. We want them to know that we want to work with them. We want to have a relationship with them. I think that's something that's really critically important. I certainly welcome any of you who want to come up to Topeka and help deliver that message because it's an important message.

With that said, I talked for longer than I planned to. I apologize for doing so at this late hour, early hour, wherever we're at, but I'd be happy to answer any questions.

**Mayor Garner** said thank you, Mr. Davis. Appreciate that.

**Action:** For information only.

**Item No. 2 – 211881...PRESENTATION: FUNDING STRATEGIES AND CONSIDERATION OF A RESOLUTION AUTHORIZING THE SALE OF MUNICIPAL TEMPORARY NOTES, SERIES 2022-II**

**Synopsis:** A presentation on funding strategies of legal settlements and consideration of options including a resolution authorizing and directing the issuance, sale, and delivery of Municipal Temporary Notes, Series 2022-II, submitted by Kathleen VonAchen, Chief Financial Officer, Debbie Jonscher, Deputy Chief Financial Officer, and Alyse Villarreal, Debt Coordinator, Finance Department.

**Mayor Garner** said, Ms. VonAchen, if you could start us off, please.

Legal Settlement Bonds – Cost Analysis

|                                               | Option 1            | Option 2                            | Option 3                                |
|-----------------------------------------------|---------------------|-------------------------------------|-----------------------------------------|
| Description                                   | Pay with cash       | 10-yr GO Bond with no optional call | 10-yr GO Bond with a 5-yr Optional Call |
| Par (with premium/discount)                   | \$12,500,000        | \$11,925,000                        | \$12,085,000                            |
| Total Principal & Interest                    | \$0                 | \$14,600,475                        | \$14,795,720                            |
| Average Annual D/S                            | \$0                 | \$1,460,048                         | \$1,479,572                             |
| True Interest Cost (TIC%)                     | --                  | 2.904%                              | 3.499%                                  |
| Optional Call Date                            | --                  | No                                  | August 1, 2027                          |
| Cost of Issuance (Temporary August 2022 Note) | \$0                 | \$27,000                            | \$27,000                                |
| Loss of Investment Income (10-yr @ 2%)        | \$2,706,723         | \$1,353,362                         | \$1,353,362                             |
| <b>Net Costs</b>                              | <b>\$15,206,723</b> | <b>\$15,980,837</b>                 | <b>\$16,176,082</b>                     |
| Difference from Option 1                      |                     | \$774,114                           | \$969,359                               |

**Kathleen VonAchen, Chief Financial Officer,** said before you tonight is the resolution to adopt the issuance of temporary notes for the legal settlement totaling \$12.5M. I wanted to provide

some analysis or I was asked to provide some analysis to show you some options of what we could do.

One thing I did want to point out is that we currently do not have the budget to spend \$12.5M in cash, so we would have to either add the budget if we were to do that or we would undertake financing.

The temporary note proposal that you have in front of you is actually just a general obligation temporary note for just the current say five months or so to carry us when we do the general obligation bonds annually, which is in February.

The scenarios we're showing here with you tonight are actually what would happen in February of next year.

Option 1 is to pay cash out of the City General Fund because of the nature of the legal settlement. The \$12.5M out of cash, that would mean that we would also lose interest income of \$2.7M over the 10-year life of the bonds. That totals \$15.2M.

The other two columns are a comparison using two scenarios for issuing GO bonds. One of them is to actually issue bonds without any optional call options. So, investors would be able to keep and continue to earn the 2.9% coupon rate for the entire 10-year period. We wouldn't have the ability to refinance the bonds in the middle of the term.

The third one would allow the UG the option of refinancing the bonds at the 5-year call date. So, what I've provided here is total principal and interest for Options 2 and 3. That's in the second line there. It's \$14.6M without the call option and \$14.8M with the call option. That's because investors expect a premium for bonds that are callable because they don't get to keep them for the whole 10 years.

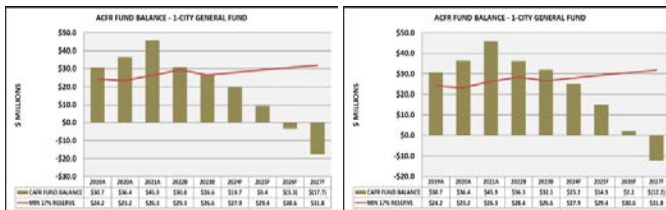
Then, of course, we would lose some interest income, about half of the amount, because we're not spending all the money upfront, but we are paying it throughout this period. Compared with the total cost of the legal settlement, comparing Option 2 with 1, would cost \$772K more than Option 1. Option 3 would cost \$970K compared with Option 1, although you have to keep in mind that with Option 3, we always have the ability to refinance it so the total interest cost would likely be less than what we're reflecting here. It would appear that the best option here is to pay cash, but there is a concern.

## Impact to City General Fund

### Option 1

(assumes no \$7 M grant matching reserve in 2022)

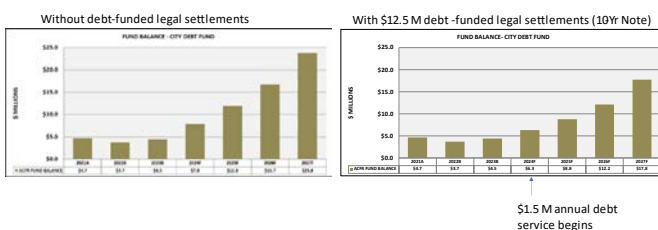
### Option 2 & 3



The concern is the impact on the City General Fund if we were to do that. So, under Option 1—and I'm just assuming because we have \$7M that we're setting aside from road and replacement that hasn't been spent. In the budget right now, there's \$7M set aside for that amount, just in case that we need it for grant matching. That's what's in the proposed budget right now. I'm just assuming, given the size of this payment, that we would use that \$7M for this. It's totally an assumption on my part. If we did do that, we'd still have to write a check for another \$5.5M in cash. Of course, we need to amend the current 2022 Amended Budget in order to allow for that.

This is how our fund balance would look. In 2023, we would be at the 17% or two months reserve level, but then later on, we wouldn't be compared with Option 2 and 3, which is actually the status quo at the moment.

## Impact to City Bond & Interest Fund



**Assumptions:**  
Proposed CMIP Debt-funded capital projects; Current interest rate environment thru 2026; Assessed value growth for 2024 and beyond at 6%; No mill rate change

If we were to issue—and I showed you this previously, but if we were to issue bonds for the \$12.5M amount, it would come out of the City Bond & Interest Fund. The annual debt services average about \$1.5M. This is the Debt Service Fund projected fund balance through, I'm not sure, 2029 or 2027. The graph on the left is the current projected fund balance for the City Bond & Interest Fund without any legal settlement payments. The second graph includes the \$1.5M amount. It's still growing, but it's just not growing at the same level as the one on the left.

That concludes my presentation. This is an action item.

**Cheryl Harrison-Lee, Interim County Administrator**, said take us back to Options 2 or 3 so we can get some consensus from the Commission on options. One's not really a viable option for us. Two is your least expensive option. Is that—would you like us to...(inaudible speaking). The banker sits...3. You want to do an option call on it? Okay.

If we can find it, that would be good if we can find a better rate, we could save on that one.

**Ms. VonAchen** said just so you know, right now, I did mean to mention that right now, because the interest rate environment...**Ms. Harrison-Lee** said it looks like it's going up...**Ms. VonAchen** said interest rates on 1-year notes are higher than 5 and 10-year notes. So, they're really high right now. It's inverted. It's a little upside down. **Ms. Harrison-Lee** said but it does give you the option. (Inaudible speaking)

**Ms. Harrison-Lee** said the challenge with paying this—it is an option, but the \$7M is available to leverage for grant funding. So, if you can leverage that, you could possibly have that go beyond \$7M. So, I would recommend that instead of tying up your option to leverage funds, that you look at Option 3 for the full amount.

**Ms. VonAchen** said and in February—tonight you're only actually—tonight, you're only voting to do a temporary note. You could make the decision next year in February or January. I did want to point out that by February, we'll have a really good idea of how much budget was unspent in 2022 and we may decide to use some of those dollars to pay down some of the temp notes and issue less. It's hard to know that right now.

**Commissioner Townsend** asked, are you saying that we don't have to make a decision at all because in three or four months we're going to know something totally different?

**Ms. VonAchen** said what I'm saying is that we'll have better information five months from now when we end the fiscal year and we know if whether there's available money in the fund balance that we could pay down the temp notes with cash and then roll forward into the GO bond issue a lesser amount than the \$12.5M. Tonight, what we're asking is whether you're entertaining the idea of actually paying cash for the settlement. If you're not, then we can proceed with the temporary notes and roll it into the larger GO bond issue that we issue in February.

**Commissioner Townsend** said okay. Well, I was almost with you. So, no. I'm not interested in paying cash. So, it goes back to the issue of what do we need to do tonight? Are we making a decision tonight between 2 or 3 or what? Temp notes as opposed to cash. Okay, temp notes. Thank you.

**Ms. VonAchen** said I apologize for the confusion doing options. I should have called them scenarios.

**Commissioner Johnson** said motion to...

**Mayor Garner** said before we do that, Commission, the actual Item No. 2 that you're going to be considering is authorizing the sale of municipal temporary notes. That's the item that's on the floor. If you don't have any more comments or questions, I'll entertain a motion for approval of that resolution as I just stated.

**Action:**        **RESOLUTION NO. R-48-22**, "A resolution authorizing and directing the issuance, sale and delivery of Municipal Temporary Notes, Series 2022-II, of the Unified Government of Wyandotte County/Kansas City, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith."  
**Commissioner Townsend made a motion, seconded by Commissioner Markley, to adopt the resolution.**

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

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

## **ADJOURN**

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



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

**MAYOR GARNER**  
**ADJOURNED THE MEETING AT 12:30 A.M.**  
**August 26, 2022**

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Monica L. Sparks  
Acting Unified Government Clerk

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**August 25, 2022**