

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

**PLANNING & ZONING AND
REGULAR SESSION
SEPTEMBER 29, 2022**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, September 29, 2022, with ten 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; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Kane, Commissioner Fifth District, was absent. The following officials were also in attendance: Bridgette Cobbins, Assistant County Administrator; Misty Brown, Chief Counsel; Gunnar Hand, Director of Planning & Urban Design; Janet Parker, Planning & Urban Design Department; Matt May, Director of Emergency Management; Katherine Carttar, Director of Economic Development; Jud Knapp, Land Bank Manager; Monica Sparks, Acting UG Clerk; and Brittnie MacDonald, UG Clerk's Office.

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

Mayor Garner said tonight, our invocation is going to be given by Sister Therese Bangert of Our Lady/St. Rose Catholic, immediately followed by the Pledge of Allegiance.

Mayor Garner said thank you, Sister Therese, for providing the invocation this evening. It's greatly appreciated. I'd also like to thank Commissioner Johnson for filling in during these months of COVID and giving the invocation throughout that time period. We really appreciate him filling in in that regard.

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

Monica Sparks, Acting UG Clerk, said, Mayor, there are no revisions to tonight's agenda.

Mayor Garner said tonight, we have two distinct parts to our meeting. This is going to be the Planning and Zoning portion. Then we'll follow it up with the Regular Commission meeting. I'll ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of tonight's meeting, followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

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

At this time, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? **Commissioner McKiernan** said I've had contact with proponents and opponents of COZ2022-015. **Commissioner Bynum** said contact with proponents and opponents of COZ2022-015. **Commissioner Markley** said same. **Commissioner Stites** said same. **Commissioner Davis** said same.

Mayor Garner asked, do any other commissioners have any disclosures? This takes us to the P&Z Consent Agenda, Planning and Zoning. Clerk, can you read the items?

Ms. Sparks said I will now read the items on the Consent Agenda.

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

Commissioner Stites said I really don't want to set one aside. I just have a question because I'm not sure exactly what it means. Under Nos. 4 and 5, 3430 N. 115th St. and 3548 N. 115th, what does it mean when we're saying, change from A-G Ag (WyCo) to A-G Ag (City)?

Gunnar Hand, Director of Planning and Urban Design, said the A-G (WyCo) is the previous zone category before unification and so when a rezoning occurs, we cannot rezone to A-G (WyCo). We have to rezone out of UG (WyCo) to the current agriculturally rezoned standard, which is just A-G. It's a little bit different in its standards, but really not that much.

Commissioner Stites said thank you.

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve all the items as submitted.

Rose Elits said I wanted to speak against E1 ordinance to change the master plan amendment for the 505 Central project. I'm always against it; always will be. The master plan is still less than two years old.

Mr. Hand said everything under Miscellaneous has already been approved. These are non-public agenda items. I'd defer to counsel, of course.

Misty Brown, Chief Counsel, asked, Mr. Hand, these items are on the Consent Agenda, are they not? Right. I believe the caller wishes to pull this item off of the Consent Agenda. **Mr. Hand** said understood. Just clarification, this is not for—this is the ordinance to publish the approval; the final administrative step, as per state statute. Typically—again, I'll defer to you, but previously, it was my understanding that these were non-public agenda items. **Ms. Brown** said I would agree that it may not be an item that—the notification that we're publishing, but if the caller wishes to set it aside off the Consent Agenda, we can and then call it up separately after the Consent Agenda has been voted on. So, I guess, Clerk, if you could ask the caller if she understands what this item is, that it's for publication.

Ms. Sparks asked, Ms. Elits, have you heard the comments made by our counsel? **Ms. Elits** asked, can anybody hear anything? Did you hear what I said before? I can't hear you all so just nod your head if you want me to speak. Okay. My name is Rose Elits. I live in Kansas City, KS on 4th St. I said I'm against E1, the change of Master Plan 2021-028. I'm against that change.

Mayor Garner said, Clerk, we'll just set that item aside. **Ms. Sparks** said, ma'am, we're going to set that item aside and we'll call it later in the agenda.

Mayor Garner said I'm going to back up slightly. I'll ask anyone that may be in attendance if you would like to set-aside an item. If so, please come to the podium, state your name and city for the record, and the agenda item that you'd like to set-aside.

Clerk, if we can go back and ask if there's anyone else virtually that may have their hand raised that they'd like to set-aside an item. **Ms. Sparks** said no other hands are raised.

Mayor Garner said I have a motion and I believe I have a second for approval, notwithstanding the set-aside, for approval of the Planning and Zoning Consent Agenda. **Ms. Sparks** asked, Mayor, can we clarify who made the motion and second, please?

Commissioner Stites said I made the motion. **Commissioner Ramirez** said he seconded it.

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

CHANGE OF ZONE APPLICATIONS

Item No. 1 - 211969...CHANGE OF ZONE APPLICATION COZ2022-025 - GLEN BENNETT

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 2615 Espenlaub Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Glenn Bennett, is requesting a Preliminary and Final Plat, as well as a Change of Zone for one (1) lot created from said plat. The Preliminary and Final Plat will create two (2) lots from the existing subject property; one (1) lot will continue to be in the R-1 Single Family District, and one (1) lot will be rezoned to the A-G Agriculture District. The applicant is simultaneously requesting variances from several lot dimension and frontage violations, under BOZA2022-038. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2022-025, subject to:

1. Stop Work Order BSR21-0074 shall remain in place until the applicant files for all appropriate building permit(s);
2. The applicant must contact the Wyandotte County Conservation District and receive a conservation plan for the parcel to be rezoned to the A-G District;
3. The tree line along the south and east boundary lines of the subject property should be maintained. Further trees should be planted along the west property line to provide landscape screening for the adjacent neighbors along Espenlaub Lane as well;
4. Any rental use of the existing primary residence for 30 days or fewer requires a separate Special Use Permit for a short-term rental;
5. Any other parking, loading, or maneuvering areas related to the accessory building must be paved with a minimum of two inches of asphalt over six inches of compacted gravel or an acceptable alternative as determined by the county engineer;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the

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

7. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. This City Planning Commission case is being heard in conjunction with BOZA2022-038;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
14. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-025, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 – 211971...CHANGE OF ZONE APPLICATION COZ2022-026 - JONATHON LAUDNER

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to maintain small livestock and other agricultural uses at 6840 Cernech Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Jonathon Laudner, is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District for the subject property at 6840 Cernech Road. The Change of Zone has been requested so that the applicant can construct additional structures for the maintenance of the property, which includes a creek, pond, and timber stand improvements. The applicant also wishes to have a future homestead of chickens and goats, which require additional structures for their care. The applicant recently purchased the property, and the land was showing signs of decline as the former owner was no longer able to physically maintain the property. The Change of Zone has been requested so that the applicant can maintain multiple accessory structures related to the keeping of the property and agricultural uses on the parcel without the need for variances. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2022-026, subject to:

1. Should livestock be introduced, an updated Conservation District Plan is required.
2. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
3. 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.

4. 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.
5. 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 Stites made a motion, seconded by Commissioner Ramirez, to approve of Change of Zone Application COZ2022-026, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 3 – 211972...CHANGE OF ZONE APPLICATION COZ2022-028 - MIKE SANDERS WITH NAMPARA

Synopsis: Change of Zone from MP-2 Planned General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District for future industrial development and site preparation at 4500 Dover Street and 4414 Gibbs Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Mike Sanders with Nampara wants to rezone from MP-2 Planned General Business and R-1 Single Family Districts to MP-2 Planned General Industrial District and create one (1) industrial lot to build a 150,000 square foot building for a warehousing and distribution at 4500 Dover Street on 18.97 acres. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2022-028, subject to:

1. A Final Development Plan is required to be submitted and approved to conclude this entitlement process;
2. Staff proposed the following manufacturing stipulation: Manufacturing uses are permitted on the property that are restricted to the MP-1 use regulations and shall comply with Sec. 27-468(c)(3) No use shall be permitted or so operated as to produce or emit:

- a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with Chapter 3 (Code of the Unified Government of Wyandotte County/Kansas City, Kansas, Chapter 3 – Air Pollution);
 - b. Vibration or concussion perceptible without instruments at the property line;
 - c. Noise greater than 75dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period;
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
3. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
 4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside
 5. Utility easements shall connect with easements established in adjoining properties;
 6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
 7. Crosswalks shall be added to driveways and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where employees walk to the building;
 8. Sec. 27-469(c)(1)d. No use shall be permitted or so operated as to produce or emit: Noise greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period;
 9. While there is no entrance/exit off Dover Street or Gibbs Road, no truck traffic shall enter or exit 4500 Dover Street and 4414 Gibbs Road from those two streets. All truck traffic shall be routed on South 45th Street via Metropolitan Avenue;
 10. The loading dock doors shall be painted to match the building or a complimentary color as the primary building;
 11. Downspouts shall be recessed in corners of the building and in locations that do not draw a person's eye visually. The downspouts shall be painted to match the building;
 12. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels and Dover Street, South 45th Street, and Interstate 635 right-of-way. Homes must be screened at the time the Temporary Certificate of Occupancy is issued. Creative solutions are warranted with berms, fencing and landscaping. A variance will be required if the building is not screened from public view (the trailers are screened from view).
 13. The revised landscape plan for the Final Development Plan must be bubbled/clouded around the existing tree stand to be preserved along the south property line. Twenty-seven (27) Taylor Junipers are not going to provide the same density of the buffering that the existing tree stand currently provide;
 14. Relandscape the south and east slope of the site and remaining void areas throughout the development site;
 15. Trash compactors or receptacles shall be screened from public view;

16. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
17. Rooftop mechanical equipment shall be screened from public view by a parapet;
18. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
19. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 10,000 square feet of site area. Based on the total tract size, 83 trees are required to be planted. This does not include the trees to be planted along the perimeter of the property for screening and buffering requirements;
20. Sec. 27-700(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen wall adjacent to the property line and one row of shade trees spaces not more than forty (40) feet on center and one row of large shrubs spaced not more than eight (8) feet on center;
21. The architectural fence shall have masonry columns every thirty-two (32) feet running and may be up to eight (8) feet in height. The fence shall either be a wood picket or metal panel fence;
22. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
23. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers).
24. All landscaping shall be irrigated;
25. 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;
26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to

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

27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
28. 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;
29. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
30. 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 Stites made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-028, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 – 211973...CHANGE OF ZONE APPLICATION COZ2022-031 - JACK XIONG WITH UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Change of Zone from R-1 Single Family and M-2 General Industrial Districts to MP-3 Planned Heavy Industrial District for a water treatment plant at 2443 S. 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

Item No. 1 – 211974...MASTER PLAN APPLICATION MPL2022-017 - JACK XIONG WITH UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Master Plan Amendment from Industrial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) for a water treatment plant at 2443 S. 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Jack Xiong with the Unified Government, Public Works Department, Water Pollution Control Division wants to rezone from MP-2 Planned General Industrial and R-1 Single Family Districts and MP-3 Planned Heavy Industrial District, and amend the City-Wide Master Plan from Industrial to Utilities to construct a building addition at the Wastewater Treatment Plant on 32.3 acres at 2443 South 88th Street. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment Application MPL2022-017 and Change of Zone Application COZ2022-031, subject to:

1. Per Section 27-213(g)(5), the City Planning Commission shall recommend, and the Board of Commissioners shall grant, approval or denial of the COZ2022-031 and MPL2022-017 comprehensive plan amendment upon consideration of the following factors:
 - a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;
 - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;
 - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and
 - f. The impacts of the potential costs and benefits derived by the community or area by the proposed change.
2. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or BuildingInspection@wycokck.org;
4. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8- 610 – Section 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works

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

5. Sec. 27-470(h) All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six (6) foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

The parcel to the east is zoned R-1 Single Family District, therefore rezoning to industrial district requires architectural screening.

Per Sec. 27-696 Architectural screening means a masonry or wood frame wall or any fence designed, constructed, and maintained to provide a complete obstruction of view from ground level to at least the height specified in the individual zoning district requirements, to be durable and compatible with surrounding development. A berm is considered to be architectural screening;

6. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across from an alley or residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen adjacent to the property line and one (1) row of shade trees spaced not more than forty (40) feet on center and one (1) row of large shrubs spaced not more than eight (8) feet on center;
7. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
8. New rooftop equipment (RTUs, venting, etc.) shall be screened by a parapet;
9. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the

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

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

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve Master Plan Amendment Application MPL2022-017 and Change of Zone Application COZ2022-031, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 211975...SPECIAL USE PERMIT APPLICATION SP2021-069 - PRABHJOT SINGH PADDA WITH UNITED TRUCK REPAIR

Synopsis: Special Use Permit to operate an inspection/light maintenance facility for United Truck Repair (SP2019-82 expired 9/26/2021) at 451 S. 14th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Prabhjot Singh Padda, Business owner of United Truck Repair, is requesting to renew an expired Special Use Permit to continue operation of a Light Repair Business on semi-trucks and Repair Shop Parking. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-069 for two (2) years, subject to:

- 1) The Special Use Permit shall be valid for 2 years from the publication of the associated Ordinance.
- 2) The applicant is requesting a Special Use Permit for an Automotive Use under Sec 27-593(b)(19-20). Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD).
- 3) Failure to comply with any of the requirements of this Special Use Permit, or any condition of approval, will result in this special use permit being returned to the Board of Commissioners for revocation.
- 4) This Special Use Permit applies to maintenance for large trucks. Maintenance, repair, or storage of regular passenger vehicles is not included in this permit and is not allowed on the property. Only passenger vehicles that belong to customers, employees, or the public patronizing this business may be parked on the property and must be parked in designated and striped parking stalls.

- 5) There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit.
- 6) Hours of operation will be 9am-6pm Monday through Friday and 9am-4:30pm on Saturday.
- 7) Must register and maintain annually a business license with the Business Licensing Department for all uses on the property.
- 8) Approval allows no more than 16 Trucks and trailers inventory at this site and limited to the area along the north fence line.
- 9) No truck or trailer repair or servicing is allowed outside of the building in public view. No more than five (5) trucks at any given time may be positioned on the east side of the building for servicing and be considered to be screened from view by the massing of the building. All other trucks and trailers must be parked in designated stalls along the north fence line.
- 10) Inoperable trucks are only allowed to be stored inside the enclosed building or in the rear of the lot and only if they can be fully obscured from public view by a required 8 foot tall architectural screening fence to the same standards for a salvage yard operation. Any inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with 27-470 and 27-697 through 27-704. Any outside storage may not reduce the availability of all required parking space.
- 11) No storage or warehousing of inoperable vehicles, or salvage or wrecked vehicles or automobile parts on the property.
- 12) At no time shall Cars, Trucks, or Trailers be parked in the right of way of 14th Street in front of the property.
- 13) A Complete Development Plan is required before a renewal application.
- 14) 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.
- 15) Applicant must install and maintain ten(10) required parking spaces, including one(1) ADA accessible parking space which is designated "Van Accessible".
- 16) Applicant must install and maintain the required six (6) foot setback from the inside of the west property fence including interior curbing installed meeting or exceeding that setback distance. The area within the six foot setback from the west property fence will be developed as a landscape area and must be planted with turfgrass and trees and shrubs and served by the automatic irrigation system.
- 17) Applicant must install twenty-three(23) shade trees on the property. Shade trees shall be deciduous tree species that are listed on the approved street tree species list and larger than minimum 2-inch caliper size.
- 18) All landscape areas on the property, in the parking islands, and along the frontage must be served by an installed automatic irrigation system.
- 19) Applicant must provide a trash enclosure for any dumpster(s) placed on the property which are not located east of the building out of public view.
- 20) The improved surfaces on the property must be improved or repaired to current UG standards.
- 21) All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 22) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
- 23) All businesses located at this property must operate in compliance with the Sign Ordinances at all times.

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2021-069 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 – 211976...SPECIAL USE PERMIT APPLICATION SP2022-033 - TWASHANE CRAWLEY WITH COMPLETE CAR CARE

Synopsis: Special Use Permit for auto repair/body shop supply store at 1000 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Twashane Crawley with Complete Car Care, is requesting a Special Use Permit for the operation of an automotive repair facility as a tenant inside the subject property at 1000 State Avenue. The subject property has a total of 10,010 square feet and the Applicant is proposing to utilize the portion of the building occupying 7,330 square feet. The other tenants in the building are an automotive paint supply store which is open to the public and an automotive body shop with a paint booth which is used as an auxiliary space by the tenant. The applicant has recently moved the automotive repair service of their business to the subject property from their prior address at 7132 Leavenworth Road.

To be approved, this application will need to be heard in conjunction with a Change of Zone and a Variance for Parking. The applicant did not apply for the Change of Zone and did not submit the documents required to complete the variance application. Light automotive repair is not allowed in the current zone, even if a Special Use Permit has been approved. The applicant is currently using the parking lot at the former Gates BBQ location as additional auto storage, although that parking lot agreement would require approval from the Planning Commission.

The Applicant will need to complete a Special Use Permit for the additional property at 7132 Leavenworth for automotive storage, although that is outside the scope of this report.

The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application SP2022-033, due to the unresponsiveness of the applicant for the information being requested and the violations observed by Staff during site visits.

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to deny Special Use Permit Application SP2022-033 due to the unresponsiveness

of the applicant for the information being requested and the violations observed by Staff during site visits. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 3 – 211977...SPECIAL USE PERMIT APPLICATION SP2022-051 - GONZALO HERNANDEZ-CASILLAS

Synopsis: Special Use Permit for an automotive repair shop at 745 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Gonzalo Hernandez Casillas with GH Auto Repair, is requesting a Special Use Permit for the operation of an automotive repair facility at 745 Kansas Avenue. The subject property is on a corner parcel and has a total of 8,550 square feet with no parking. This property is seven (7) blocks from the Kansas River and Armourdale Gateway. The Applicant is planning to relocate to this location from their current property. The building was formerly known as Sherman Auto Parts in the 1970s and in more recent years as CARQUEST Automotive Parts Store. The building has a retail store towards the front of the property with a two-story metal repair building in the rear. The front retail space is now being repurposed as a gym by a separate tenant and is not part of this report.

Due to a language barrier, the applicant hired private representation, VA Multiservice, who has been unresponsive and has not completed any requirements of this entitlement. Additional comment is at the end of this report.

The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application SP2022-051 due to the Applicant being unresponsive to Staff's request for information.

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to deny Special Use Permit Application SP2022-051 due to the Applicant being unresponsive to Staff's request for information. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 – 211978...SPECIAL USE PERMIT APPLICATION SP2022-054 - RAUL VILLEGAS-RODRIGUEZ WITH SOCCER NATION KC

Synopsis: Special Use Permit to operate an indoor soccer facility at 520 S. 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Raul Villegas-Rodriguez with Soccer Nation, wants to continue to use a portion of the building as an indoor soccer facility on the property on 6.32 acres located at 520 South 55th Street. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2022-054, subject to:

1. The Sidewalk and Trails Master Plan designates South 55th Street as a Regional Trail, which requires a ten (10) foot sidewalk on one (1) side of the street and a five (5) foot sidewalk on the other side of the street. Staff will give the applicant five (5) years to install a five (5) foot sidewalk from curb cut on the west side of South 55th Street, north and connect the existing sidewalk on Turner Diagonal. This will allow the applicant to recoup losses due to COVID-19 and the closure of the facility;
2. Hours of operation are as follows:
 - a. Spring, Summer, and Fall:
 - i. Monday through Thursday – 6:00 PM to 11:30 PM.
 - ii. Friday – 6:00 PM to 1:30 AM.
 - b. Winter:
 - i. Monday through Thursday – 6:00 PM to 11:30 PM.
 - ii. Friday – 6:00 PM to 1:30 AM.
 - iii. Saturday and Sunday – 8:00 AM to 11:00 PM;
3. Paint a four (4) foot wide hatched, pedestrian pathway between the front door of the building (on the east side of the building) through the parking lot to the curb cut and sidewalk connection;
4. An ADA ramp and parking needs to be added to the east side of the parking lot if the south side of the building is not accessible due to the fencing and box truck parking, otherwise remove the box trucks, so the south side of the building is ADA accessible;
5. Install three (3) trees in the green space, south of the driveway apron along South 55th Street. The applicant has one (1) year from the date of approval to install three (3) trees along South 55th Street;
6. Restripe of the parking lot associated with Soccer Nation;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
9. A Right-of-Way Permit is required for the sidewalk extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm

if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;

10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. The Special Use Permit shall be valid for 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; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-054 for five years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 5 – 211979...SPECIAL USE PERMIT APPLICATION SP2022-072 - JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS

Synopsis: Special Use Permit for a used car dealership at 1401 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, James Sullivan, is requesting a Special Use Permit for a used car-dealership with light auto-repair at 1401 Merriam Lane. In addition to the car dealership, the business will also engage in auto detailing and light-

repair at 1401 Merriam Lane. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2022-072 for two (2) years, subject to:

1. Per the goDotte County-Wide Mobility Plan, the applicant will be required to dedicate an easement along Turkey Creek. This easement must start from the edge of the bank down to the existing easement, to accommodate for future trail development;
2. The applicant will be required to submit a change of zone to correct the split zoning found on the property;
3. The business may not operate later than 6:00 pm;
4. The applicant is requesting a Special Use Permit for a property zoned C-3 Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). Should there be conflicts between the CDGOD and other regulatory land use requirements, the stricter interpretation shall apply per Section 27-574(f). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-072. All listed requirements that are identified as "have not been met" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting.
 - a. The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - i. Sec 27-575(d)(2): Curb-cuts should be minimized and concentrated at mid-block
 - ii. Sec 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.
 - iii. Sec. 27-575(d)(8) states that "Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.
 - iv. Sec. 27-575(d)(9) states that "to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems
 - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas
 - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible.
 - c. Circulation Patterns within parking areas shall be defined by curbs and landscaped islands
 - d. Where possible, groups of buildings should be serviced by dedicated service access lanes.
 - v. Sec 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.
 - vi. Sec 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:
 1. Six-inch vertical curb;
 2. Trellis;
 3. Special railing;
 4. Bollards;

- 5. Special paving;
- 6. Low seat wall or other architectural features;
- 7. Pedestrian scale lighting; or
- 8. Traffic calming devices.
- vii. Sec 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.
- viii. Sec 27-575(e)(3) Parking located between front of building and street right-of-way must provide an additionally 20 feet of landscaped area in addition to the required setback. This, however, would cause an undue hardship, therefore, the applicant will only be required to provide a six (6) foot landscaped buffer. Please demonstrate this on the site plan.
- ix. Sec 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.
- x. Sec 27-575(f)(1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.
- xi. Sec 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.
- xii. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The applicant will need to revise the plan to include the screening shrubs.
- xiii. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
- xiv. The Commercial Design Guidelines require that 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.
- xv. The Commercial Design Guidelines require that all roof mounted units must be screened by the parapet of the building
- xvi. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
- xvii. Sec 27-577(a)(5) – Landscaping shall exceed the typical code requirements by at least 75 percent

- a. The district requirement is one tree per 7,000 square feet of site area. The 3.43 acre site is 84,071 Square Feet, which would require 12 trees per the Code of Ordinances.
 - b. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least 6’ in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - c. Landscaping shall be irrigated.
- b. The following requirements of the Commercial Development Guidelines Overlay District have not been met in which the Applicant is wishing to exercise alternative design methods or deviances from the guidelines:
 - i. Sec 27-576(d)(1) A single building development with multiple buildings must maintain a consistent style/architectural theme. Architectural design building materials, colors, forms, roof style and detailing should all work together to express consistent design. This includes all pads within a retail development, as well as gasoline pump canopies or other accessory structures.
- 5. Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
- 6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 7. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
- 8. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;
- 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 10. All existing and future driveways must feature curb cuts that are constructed to UG standards;

11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
14. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
15. Per Sections 27-667-27-676, every vehicle must be in a designated and striped parking space. Provide a site plan indicating the number of parking stalls, indicating which stalls are dedicated to customers, employees and staff, vehicles for sale, or vehicles for repair. Detailed dimensions of each parking stall are required. Non-ADA parking stalls must be 9' wide from the inside of stripe to inside of stripe and 18' in length;
16. Any automotive-related use in Kansas City, Kansas shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
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 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. 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
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-072 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 6 – 211980...SPECIAL USE PERMIT APPLICATION SP2022-077 - AUSTIN LAGE WITH BHC RHODES

Synopsis: Special Use Permit for a fueling and maintenance facility at 700 Kindelberger Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

Item No. 1 – 211981...PLAN REVIEW APPLICATION PR2022-025 - AUSTIN LAGE WITH BHC RHODES

Synopsis: Preliminary and Final Plan Review for a fueling and maintenance facility at 700 Kindelberger Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Austin Lage with BHC, is requesting a Preliminary and Final Plat, a Final Plan Review, and a Special Use Permit. The Preliminary and Final Plat will create one (1) industrial plat from Parcel #903701 (addressed as 700 Kindelberger Road), Parcel #892221, Parcel #892222, and Parcel #892223, and a portion of public right-of-way. The Final Plan Review is for the proposed development on the subject property: a fueling station open to the public and a private truck maintenance facility. The Special Use Permit is for heavy automotive/truck

services, repair, and mechanic, which will allow for the operation of a truck maintenance facility, in conjunction with a fueling station. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2022-077 for two (2) years and Plan Review Application PR2022-025, subject to:

1. A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
2. So long as all trucks under repair are stored inside the building, Section 27- 593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);
3. In addressing the building materiality requirements in Section 27-576(e)(1)- (2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
4. Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
5. Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
6. The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the Staff Comments and Suggestions section of this report;
7. The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the Staff Comments and Suggestions section of this report. Any additional deviations from the CDGOD not listed under this subsection must be made by oral amendment before the City Planning Commission;
8. There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated August 16, 2022” in the Attachments section of this report;
9. If approved, the applicant must file and maintain a current business occupation tax application with this office;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

12. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. 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;
15. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
16. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
17. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
18. 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;
19. 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;

20. 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; and,
21. 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.

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-077 for two years and Plan Review Application PR2022-025, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 7 – 211982...SPECIAL USE PERMIT APPLICATION SP2022-080 - MICHAEL S. WIBER WITH ST. JOSEPH LODGE 35

Synopsis: Special Use Permit to operate an event space with live entertainment at 404 N. 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Michael Wiber DBA Croatian Fraternal Union Lodge #35, has applied for a new Special Use Permit for live entertainment with alcohol service at 404 North 5th Street. The subject property is an event hall with administrative offices and a retail tenant. The building has a total of 4,534 square feet of building space on the ground level with 3,095 feet of space being dedicated to the event hall exclusively for the Lodge. There is a basement event hall with prep kitchen adding an additional 2438 of square footage in the basement for leasing to third parties. The building is informally known as the 5th Street Event Center and has been used as a fraternal

lodge since its construction in 1914. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2022-080 for two (2) years, 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 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.
- 2) If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office.
- 3) Renters of the facility must be made aware of trash policies in advance of rental. Trash receptacles must be made available for tenants to properly clean up the property. Building management shall be responsible for any trash not picked up by tenants.
- 4) The property's clean up shall include the sidewalks, walkways, and fence lines of the property.
- 5) The occupancy levels for the establishment shall be re-evaluated by the fire department upon full inspection. No events shall be held until the facility has met the guidelines of the Fire Department.
- 6) The hours of operation for this establishment's lower hall are limited to Friday and Saturday until 1:00 AM and Sunday 7 P.M. The additional hour past entertainment hours is to allow for cleanup of the facility and public grounds only.
- 7) Entertainment hours are limited to Friday and Saturday evenings, 6 pm to 12 am, Sundays 10 a.m. to 6 p.m.
- 8) All entertainment must cease by at least 12:00 AM on Friday and Saturday and 6 pm on Sundays.
- 9) Doors and windows must stay closed during any entertainment performance.
- 10) Must comply with the Unified Government Security Ordinance, Section Sec 4-104f.
- 11) All other applicable noise ordinance standards must be followed per Section 22-128.
- 12) Additional security measures include:
 - 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 per Section 4-104f;
 - 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.
- 13) No amplified speakers or entertainment is allowed in outdoor spaces.
- 14) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
- 15) The Special Use Permit shall be valid for 2 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2)

months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

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

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-080 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 8 – 211983...SPECIAL USE PERMIT APPLICATION SP2022-082 - DENISE TOMASIC WITH PURPLE PROPERTIES

Synopsis: Special Use Permit to operate a short-term rental at 419 N. 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Denise Tomasic, is seeking approval to operate a short-term rental at 419 North 6th Street. The subject property is a duplex in the Strawberry Hill neighborhood. The applicant renovated the property from a mixed-use commercial and residential building to a flat-over-flat residential duplex and is in process of completing a Development Review Committee application for an occupancy conversion. The applicant had previously leased the property to a third party who operated both units as a short-term rental without permits, however that tenant is no longer operating the property or the units. The owner is now seeking approval to operate the units as short-term rentals themselves with the assistance of a property management company rather than a tenant. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2022-082 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.
- 2) A Change of Occupancy is required.

- 3) Maximum number of guests shall be six (6) per unit.
- 4) All parking must be off-street, maximum number of vehicles is four (4) with the vehicles double stacked.
- 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) No parties allowed.
 - c) A lead-based paint notification for any property built before 1978.
 - d) An asbestos notification for any property built before 1981.
 - e) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and 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.
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-082 for one year, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 9 – 211967...SPECIAL USE PERMIT APPLICATION SP2022-083 - JAMIE REDIC WITH FEEL ROYAL LLC

Synopsis: Renewal of a Home Occupation Special Use Permit (SP2020-078 - expires 11/5/2022) to operate a single-chair beauty salon at 2947 N. 83rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant is requesting the approval of a Home Occupation Special Use Permit for the purpose of operating a single customer salon at their residence. The applicant has stated that the home is in good condition and that one (1) room in the basement has been converted for use as a salon. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2022-083 for five (5) years, subject to:

1. Hours of operation shall remain from 8:00am to 5:00pm daily;
2. All parking is to be parked in the six (6) spaces on the driveway, no on street parking is allowed;
3. Materials stored on site must be done safely, such as in approved, original containers, away from food, and out of reach of both children and pets;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not

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

6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
7. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
8. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office.
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35- 468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
12. The Special Use Permit shall be valid for 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; and
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-083 for five years, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

MASTER PLAN APPLICATION

Item No. 1 – 211974...MASTER PLAN APPLICATION MPL2022-017 - JACK XIONG WITH UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Master Plan Amendment from Industrial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) for a water treatment plant at 2443 S. 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **This item was previously presented in conjunction with Change of Zone Application COZ2022-031.**

PLAN REVIEW APPLICATIONS

Item No. 1 – 211981...PLAN REVIEW APPLICATION PR2022-025 - AUSTIN LAGE WITH BHC RHODES

Synopsis: Preliminary and Final Plan Review for a fueling and maintenance facility at 700 Kindelberger Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **This item was previously presented in conjunction with Special Use Permit Application SP2022-077.**

Item No. 2 – 211984...PLAN REVIEW APPLICATION PR2022-026 - DR. JESSICA DAIN WITH USD 203 PIPER SCHOOL DISTRICT

Synopsis: Preliminary Plan Review to convert an elementary school into a high school with athletic fields at 13021 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Dr. Jessica Dain with Piper USD 203, wants to build a 149,000 square foot addition, athletic fields, and associated parking to convert Piper Creek Elementary School (grades 3-5) to Piper High School on 73.60 acres at 13021 Leavenworth Road. The Planning Commission voted 7 to 0 to recommend approval of Plan Review Application PR2022-026, subject to:

1. A Final Development Plan is required to be submitted following this Preliminary Development Plan to conclude the entitlement process;
2. Following the Final Development Plan entitlement process, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
3. Per the Sidewalk and Trails Master Plan, North 131st Street is designated as a Local Trail. The east side of the street shall have a ten (10) foot concrete trail with a two (2) foot median between the curb and the beginning of the trail terminating at the southern curb cut into the property. When the last athletic field is constructed, the trail shall continue south along North 131st Street to the school district's property line;
4. Staff will continue to evaluate bike lanes on Leavenworth and 131st Street as part of the FDP entitlement process. Both Leavenworth Road and 131st Street are designated as arterials in the Prairie Delaware Piper Plan which states "All arterial and collector roads should have bike lanes. The bicycle plan will require incremental implementation. As development occurs, streets are rebuilt and other project funding opportunities (such as grant programs) arise, bicycle improvement projects should be integrated into project development;"
5. 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;
6. The school expansion should match the existing school in terms of materials, fencing and landscaping;
7. All downspouts will be internalized;

8. Street tree requirement is one (1) tree per thirty (30) feet of right-of-way frontage, therefore 860 linear feet along 131st Street requires twenty-nine (29) trees. This requirement is in addition to trees required for the site area and within the parking lot;
9. All overstory and ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet in height when planted. All shrubs be five (5) gallons when planted;
10. Landscaping shall be irrigated;
11. Sec. 27-699(a)(6) Nonindustrial and non-structure parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
12. Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided with an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlines is not determined to be necessary. Where more stringent requirements exist, they shall apply;
13. The single-family homes that are on either between North 131st Street and the soccer fields shall be screened in addition to residences on the west side of North 131st Street;
14. All rooftop mechanical equipment shall be screened from public view by the new parapet of the building addition. The public view extends to the boundary of the property line and public right-of-way;
15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building;
16. BPU transformer pad shall be completely screened on three (3) sides with opaque enclosure or 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the ten (10) foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
17. All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one (1) footcandle as measured from said property line. This includes lighting installed around the athletic fields. Light shall not cast horizontally or vertically onto adjacent properties;
18. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. 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;

20. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
21. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
22. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Action: Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve Plan Review Application PR2022-026, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

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

Item No. 1 – 211985...AN ORDINANCE authorizing a Master Plan Amendment (MPL2021-028) to the Central Area Master Plan for property at 505 Central Avenue from Urban Density to High-Density Residential, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Mayor Garner said I'll ask Mr. Hand to make some opening remarks.

Gunnar Hand, Director of Planning and Urban Design, said, again, this case was approved earlier this year for a master plan amendment and change of zone. It's also gone through earlier this month through the Planning Commission. There's another state statute requirement for the

creation of a TIF district where we have to confirm that the TIF district does match the master plan of a certain parcel. This is the ordinance publication for that.

Mayor Garner said I'll ask the applicant or a representative to present their application, if they're present. Please come to the podium and state your name and address for the record.

Pete Heaven, 6201 College Blvd., Overland Park, said I believe, as you've just been told or explained, this action has already been taken by the Commission. This is merely the approval of an ordinance that codifies what the Commission has already done. With that clarification, I'll stand for any questions, but I think we've already taken the action.

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

Mayor Garner asked, is there anyone present who would like to speak in favor of this item? 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, have you received any notification from the public who wish to express their comments in opposition of this item? **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present in the audience who would like to speak in opposition of this item? Clerk, is there anyone joining us virtually who would like to speak in opposition of this item? **Ms. Sparks** said we have no hands raised.

Mayor Garner said I will now close the public hearing. Would the petitioner like to make any closing arguments? Are they available, Clerk? **Ms. Sparks** asked, Ms. Elits, can you hear us?

Ms. Elits, 4th St., asked, could you delay this? I know it's supposed to be just a formality, but with all the changes, could you delay this vote considering all the things that are happening with the UG right now, specifically Katherine Carttar's departure. Would it make sense to hold off on this vote? Thank you for your time.

Mayor Garner said we're going to take a quick break. I believe we may be having some technical difficulties. We'll resume as soon as we can get that matter resolved.

Mayor Garner said I believe that we may have the technical issue resolved. I'm going to ask the Clerk—we're going to back up. Before I actually close the public hearing, I want to make sure that we give the petitioner an opportunity to make some closing arguments. Clerk, can you see if you can re-engage the petitioner?

Ms. Sparks said, Ms. Elits. Mayor, Ms. Elits is no longer online.

Mayor Garner said we're going to close this public hearing officially now.

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

Mayor Garner said we have a motion and a second. Do any of our commissioners have any questions or comments in regard to this item?

Commissioner Burroughs said just for clarification for those listening. The motion is a yes vote would be to advance it to approve it. A no vote would be to vote it down and not advance it forward. Just for clarification.

Mayor Garner asked, Commissioner Johnson, do you want to just clarify your motion?

Commissioner Johnson said Commissioner Burroughs perfectly expounded upon it. My motion is to approve to advance it as it has been presented to us. **Mayor Garner** said, I believe the second reenforces that.

Mayor Garner said we have a motion and a second to advance this item. Is there any further discussion? Seeing none, roll call, please.

Action: **ORDINANCE NO. O-133-22, "An ordinance authorizing the Central Area Master Plan be amended from Urban Density (allowing single-family homes,**

attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches and libraries) to High-Density Residential (allowing mid-rise and high-rise apartment buildings, condominiums, and institutional uses such as schools, churches and libraries), for property generally located at 505 Central Avenue in Kansas City, Wyandotte County, Kansas.” Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 – 211986...AN ORDINANCE rezoning property at 4639 Parallel Parkway (COZ2022-007), from C-1 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-134-22**, “An ordinance rezoning property hereinafter described located at approximately 4639 Parallel Parkway, in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District.” **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 3 – 211987...AN ORDINANCE authorizing a Special Use Permit (SP2022-022) at 4639 Parallel Parkway for auto repair services, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-135-22**, “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 auto repair services at 4639 Parallel Parkway, Kansas City, Kansas.” **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 – 211988...AN ORDINANCE rezoning property at 3430 N. 115th Street (COZ2022-018) from A-G Agriculture (WYCO) District to A-G Agriculture (City) District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-136-22**, “An ordinance rezoning property hereinafter described located at approximately 3430 North 115th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District.” **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 5 – 211989...AN ORDINANCE rezoning property at 3548 N. 115th Street (COZ2022-019) from A-G Agriculture (WYCO) District to A-G Agriculture (City) District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-137-22**, “An ordinance rezoning property hereinafter described located at approximately 3548 North 115th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District.” **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 6 – 211990...AN ORDINANCE authorizing a Special Use Permit at 2205 S. 88th Street (SP2022-041) for automotive sales, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-138-22**, “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 automotive

sales at 2205 South 88th Street, Kansas City, Kansas.” **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 7 – 211991...AN ORDINANCE authorizing a Special Use Permit at 2205 S. 88th Street (SP2022-047) for auto sales, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-139-22**, “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 auto sales at 2205 South 88th Street, Kansas City, Kansas.” **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 8 – 211992...AN ORDINANCE authorizing a Special Use Permit at 1810 N. 1st Street (SP2022-053) for the Temporary Use of Land for commercial and industrial activities (storage containers and greenhouse), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-140-22**, “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 the Temporary Use of Land for commercial and industrial activities (storage containers and greenhouse) at 1810 North 1st Street, Kansas City, Kansas.” **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 9 – 211993...AN ORDINANCE authorizing a Special Use Permit at 620 Tenny Avenue (SP2022-055) for a Short-Term Rental), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-141-22**, “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 620 Tenny Avenue, Kansas City, Kansas.” **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 10 – 211994...AN ORDINANCE authorizing a Special Use Permit at 3008 S. 9th Street (SP2022-068) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-142-22**, “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 3008 South 9th Street, Kansas City, Kansas.” **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum,

Item No. 11 – 211995...AN ORDINANCE authorizing a Special Use Permit at 4929 State Avenue (SP2022-069) 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-143-22**, “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 4929 State Avenue, Kansas City, Kansas.” **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

Item No. 1 211970...CHANGE OF ZONE APPLICATION COZ2022-015 - JOHN EMANUELS

Synopsis: Change of Zone from A-G Agriculture and C-1 Limited Business Districts to A-G Agriculture, R-1 Single Family and C-1 Limited Business Districts for urban residential uses and church at 4411 N. 67th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, John Emanuels, has submitted a Change of Zone from C-1 Limited Business and A-G Agriculture Districts to C-1 Limited Business, A-G Agriculture and R-1 Single-Family Districts for the purposes of creating seven (7) residential (single-family) lots and one (1) commercial lot at 4411 North 67th Street. The Planning Commission voted 6 to 2 to recommend denial of COZ2022-015 due to the width of the street, lack of infrastructure, and the proposal does not fit the character of the neighborhood.

Mayor Garner said I’ll ask staff to make some opening remarks. Mr. Hand.

Case	
COZ2022-015	
Petitioner	Address
John Emanuels w/ Lightland LLC	4411 North 67 th Street Kansas City, Kansas 66104
Synopsis	
To change the zoning district from A-G Agriculture District and C-1 Limited Business Districts to A-G Agriculture District, R-1 Single-Family Residential, and C-1 Limited Business Districts. The Board of Zoning Appeals approved BOZA 2022-021 on July 11, 2022.	

Gunnar Hand, Director of Planning and Urban Design, said this case was heard in conjunction with BOZA Case 2022-021, which was approved by the Board of Zoning Appeals earlier this year in regard to the length of a private driveway. Before you is a recommendation to change the

zone to create seven residential, three agriculturally zoned, four single-family zone, and one commercially zoned parcel. The project still needs to have a preliminary and final plat; and if approved this evening, a final development plan. All of those would only go to the Planning Commission and would not come back to the Board of Commissioners.



This is in the City-wide Master Plan area in the Cernech neighborhood. We have received letters in support and opposition. There were notices of violation on this property throughout the course of this entitlement process, which have all been resolved and closed.

It was continued from the Planning Commission's July agenda in order to produce a traffic study. That traffic study was then reviewed by the County Engineer as well as the County Engineer's third party traffic consultant who found that there was no need for public improvements to the road as discussed.



Specifically, it's important to note that currently, the property is zoned—it is zoned C-1 and AG. That C-1 zone, by right, could be a restaurant, a retail, office, department store, other uses. Again, it's being proposed as a church. It would have a higher traffic count than the previous use which was an auction house. It sort of ran 24/7. It had a bunch of trucks and stuff going to it; up to 30 employees at its height.

Again, this had been approved as a C-1 zone twice over in its past history. It's just important to kind of give some background and context to the current zoning and the previous use. Although the church is a higher average daily travel, it's still within the very low category and range for such uses.

There was a protest petition that was submitted earlier this week. After review by staff and legal counsel, that protest petition was not valid.

So, before you again, 6 to move forward for denial; 8 to overturn the Planning Commission's recommendation. Again, the Planning's recommendation is for denial. Staff disagrees with this recommendation and recommends approval.

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

Andrew Spitsnogle, 9101 W. 110th St., Overland Park, KS, said I'm appearing as an attorney on behalf of the applicant, Lightland, LLC. Lightland's owner, John Emanuels, also appears in person tonight; and our engineer, Mike Makris, with BHC Engineering, is also here tonight. We want to be very respectful of the commissioners' time, so I'm going to only address the stated basis that the Planning Commission recommends denial and what now appears to be the primary focus of the neighborhood's opposition.

67th St.'s current condition. To be clear now, the Planning Commission heard other complaints including that there's an unmarked burial site on the property, that we're somehow proposing group homes, and a complaint about our internal roadway design. We believe the Planning Commission addressed all that. It wasn't in the recommendation, but if you all have questions, be happy to answer them in the Q&A period.

As your staff stated, the Planning Commission voted 6 to 2 to recommend denial based on claims that 67th St. lacked capacity to handle additional traffic. Before voting, one commissioner openly suggested that Lightland should be responsible for widening 67th St. Simply put, as set out in my letter to the Commission, the UG cannot lawfully adopt the Planning Commission's recommendation of denial because doing so would constitute an unconstitutional taking of Lightland's property without just compensation.

Kansas and federal laws are clear. Governing bodies cannot deny or condition development applications based on unreasonable demands including demands for the developer to foot the bill for public improvements. Federal courts have also confirmed that while governing bodies can apply conditions that are designed to mitigate a proposed development's impacts, it may not leverage that ability to deny applications based on demands that lack a nexus and proportionality to the impacts.

Here, there is no evidence in the record that 67th St. improvements are required because of what Lightland is proposing. There is no nexus and there's no proportionality. In fact, per the Planning Commission's direction, Lightland submitted a traffic study which was reviewed and validated by staff and the UG's traffic engineering consultant, Benesch. All are in agreement. 67th St. has sufficient capacity and no public improvements are needed due to Lightland's proposal. Importantly, the Planning Commission received no contrary evidence that it could rely upon to reach any other conclusion. As a quasi-judicial body confined to the record, this should end the UG's review and require approval.

It's important to know some background, and your staff alluded to this just now. The property is already zoned C-1. It includes three commercial buildings totaling 23,000 square feet. Before Lightland bought the property, the prior owner used those commercial buildings to run a business, Manion's International Auction House. Manion's customers and delivery trucks use 67th St. to access that business for at least 25 years. The property is, and always has been, access via 67th St. Lightland poses a current and existing right to use that street including for all the C-1 permitted uses the county has already approved. The fact is, the rezoning application will not introduce any uses that are more intense or create more traffic than those currently permitted as a matter of right under the current zoning.

In our request, to be clear, is very limited. We are really only here tonight because four of the lots are slightly less than the five acre threshold required to be considered an A-G zoning classification. We did that because staff prefers clustering lots. Another reason we applied for rezoning is the UG no longer favors assigning more than one zoning class to a single tax parcel. So, we complied with staff's suggestion; submitted a rezoning request.

We possess a constitutional right to use and enjoy the property. The UG cannot deny Lightland that right based on 67th St.'s condition when the UG's own staff and outside engineer all agree no improvements are needed due to what Lightland is proposing. Even if the UG took

the remarkable step of believing some of the neighbors who've expressed concerns about the street's capacity and disbelieving your professional staff and all the engineers that you'll hear from tonight, including your outside independent engineer, and conclude that 67th St. needs improvements, there still is no nexus. Lightland cannot be lawfully saddled with the costs to address a claim situation it did not create in which it's traffic will not exacerbate. Lightland has the right to use its property for C-1 purposes and it has the right to use 67th St.

I'm going to turn it over to Mr. Emanuels, the property owner, to address some other concerns.

John Emanuels, 180 Terrace Trail S., Lake Quivira, KS, said my goal for this development is to use the existing buildings and add seven single-family homes to be occupied by single families. We will support foster parents so that they have capacity to care for their foster children and lower trauma.

A couple of years ago, the *Kansas City Star* ran an article that was titled "Hundreds of Kids in Foster Care Without Homes in Wyandotte County." Kelly Reed, the Communications Director for KVC, said Wyandotte County is currently the most troubling. "We never needed foster parents more than we do right now." In Wyandotte County, there's 658 children in foster care and only 200 beds for those children. Because of this great need for foster parents is not being met in Wyandotte County, foster children are being sent to other counties. My wife and I, who currently live in Johnson County, have hosted a couple of children for short-term foster placements that came from Wyandotte County. Sending children far from their homes and schools, add significant trauma to an already terrible situation.

In the letter that you all received from Representative Timothy Johnson, he states, "Just two weeks ago, our Joint Oversight Committee met in Topeka and discussed ways to improve programs like the one proposed in Wyandotte County." We have already heard testimony about those working on this project in Wyandotte County, and it has strong legislative support.

The need to assist foster children is great and we're endeavoring to address this Wyandotte County challenge. At the same time, we're not asking for your support or your approval of our application because we intend to serve the community. We are asking you to approve our application because we have complied with your code requirements.

As Mr. Spitsnogle outlined, the UG staff recommended approval. Traffic experts have recommended approval. Planning Commissioner Miller, who strangely made a motion to recommend denial at the Planning Commission, he stated on the record, “I do not have a problem with the traffic study.”

Denying our application would potentially constitute an unlawful taking. So why then would the Planning Commission recommend denial when the site is currently being used for commercial uses, staff recommends approval, and the need to serve vulnerable children is so obvious. It doesn’t make any sense. Why? Because the Planning Commission buckled under pressure from a small number of neighbors based on their fear of change, anger, and discriminatory complaints.

The federal Fair Housing Act (“FHA”) prohibits discrimination in housing based on a person’s race, color, religion, national origin, sex, familial status, and disability.

A “family” also includes people who are pregnant and people who are in the process of securing legal custody of a person under 18 years of age, including a family that is in the process of adopting a child, or foster parents.

I’m very aware of how significant it is for me to claim discrimination here. Allow me to explain. Starting off, the Federal Fair Housing Act prohibits discrimination in housing based on race, color, religion, national origin, sex, familial status, and disability. We cannot hinder housing of families based on their familial status. A foster family is simply a family.

I’m going to share quotes with you from the neighbors. It’s super important to understand that these quotes were not sent to me. I didn’t make them up. It’s not hearsay. These are quotes from the letters that were sent to the Planning Commission and they’re in the public record. You guys had a 670 page document for tonight or something. I’m only highlighting these quotes to share with you.

Jessie Villarreal 4045 N 67th St. KCKS:

Public Document: COZ2022-015

page 84- 9 lines from bottom

“I am mostly concerned for the safety and well-being of my children. I do not want to ever worry about living next to what amounts to a commune with large amounts of unbalanced children and teenagers that could possibly do them harm or damage mine and my neighbor’s property...”

Public Document: COZ2022-015

page 84, line 13

"The local schools will face an obvious adverse impact with potentially 50 new students, all of which are part of the foster system. Additionally, 80% of children in the foster system suffer from severe mental illness. This will require more than typical resources to support unforeseen situation when a child runs away and breaks into a neighbor's home, steals property from a neighboring home or injures themselves or someone else."

My Comment: 50 students is a gross exaggeration. Lightland's estimate is 20 children. And, of course, Jessie's comment about foster children's mental illness is inaccurate and a deplorable scare tactic.

The first one, Jessie, there's her address. There's a public document. page 89, 9 lines from the bottom, "I am mostly concerned for the safety and well-being of my children. I do not want to ever worry about living next to what amounts to a commune with large amounts of unbalanced children and teenagers that could possibly do harm and damage mine and my neighbors' property." She goes on. Page 84, "The local schools face an obvious adverse impact with potentially 50 new students, all of which are part of the foster system. Additionally, 80% of the children in the foster system suffer from severe mental illness. This will require more than typical resources to support unforeseen situations when the child runs away and breaks into the neighbor's home, steals property from a neighboring home, and injures themselves or somebody else."

First, what's important, we're not adding foster children in Wyandotte County. They're already all around us and they are underserved. Having them sent to another county is a terrible situation for the child and the biological parents. I mean, image that. You make a terrible mistake. The children are pulled and now they go outside your neighborhood, outside their school system to another county adds tremendous trauma. Jessie's comment about 50 students is a gross exaggeration. Lightland estimates about 20 children. Of course, Jessie's comment about foster children's mental illness is inaccurate and a deplorable scare tactic.

Donna Henderson-Hoyt: Cernech Area Neighborhood
Association President:

Public Document COZ2022-015

Page 72, line 14

"given the proposal will create a planned community that will serve foster children at higher concentration level than found in the general community, the plan and physical infrastructure proposed must consider and address unique needs of this demographic."

My Comment: Is she saying that foster children and people of various races have unique needs not available to them in this neighborhood? When she speaks tonight, I would like you to ask her to clarify her comment about "this demographic".

Nettie Hobbs, 4244 N 67th, KCKS
COZ2022-015

pg 87 - 2nd line from bottom

"Fostering children is a great idea but in my opinion this is a bad location."

Page 88 - top line

"According to the Office of the Inspector General, 60 to 70 children are missing in Kansas at a given time. Again we are told this will not affect our community but what happens when an at risk child runs away? Now people are searching all over and possibly into neighboring properties? The issues Kaw Valley has had with runaways is a good example as well as a runaway 15 year old foster child whose body was found in an empty KCK lot in March."

Donna Henderson-Hoyt, was on the next one. She is the Cernech Area Neighborhood Association. She claims to speak for the neighborhood. Page 72, "Given the proposal will create a planned community to serve foster children in a higher concentration level than found in the general community. The plan and physical infrastructure proposed must consider and address the unique needs of this demographic." What does she mean by this demographic? Is she saying that foster children and people of various races have unique needs that should not be available to them in this neighborhood? When she speaks tonight, I hope you ask her to clarify her comments. Page 72, "Although we're supportive of increasing foster care resources in Wyandotte County, we don't feel adding eight group homes to our community is ideal." We are not proposing group homes. We never have. This is a scare tactic to exaggerate the impact while discriminating against foster families. Page 76, "While we're not against the church or foster families, the idea of their vision is not conducive to our area." That's discrimination.

COZ2022-015

page 49, last sentence

"We are not against a church nor foster kids but the risks are high and we don't believe their ideas are conducive with the area."

COZ2021-032 & PLAT2021-016

page 43 - fourth line from bottom

"I will tell you many of the first words from our community members is that this sounds like a 'cult'."

Nettie Hobbs, 4244 N 67th, KCKS
COZ2022-015

pg 87 - 2nd line from bottom

"Fostering children is a great idea but in my opinion this is a bad location."

Page 88 - top line

"According to the Office of the Inspector General, 60 to 70 children are missing in Kansas at a given time. Again we are told this will not affect our community but what happens when an at risk child runs away? Now people are searching all over and possibly into neighboring properties? The issues Kaw Valley has had with runaways is a good example as well as a runaway 15 year old foster child whose body was found in an empty KCK lot in March."

Page 49, “We’re not against the church or foster kids, but the risks are high and we don’t believe their ideas are conducive to the area.” That’s discrimination. Page 43, she goes on, “I tell you that many of the first words from our community is this sounds like a cult.”

Nettie Hobbs, same document, page 87. “Foster children is a great idea in my opinion, but a bad location.” That’s discrimination. Page 88, she goes on, “According to the Office of the Inspector General, 60 to 70 children are missing in Kansas at any given time. Again, we are told this will not affect our community, but what happens when a child runs away? Now people are searching all over and possibly in the neighboring properties. The issues Kaw Valley has had with runaways is a good example, as well as a runaway 15-year-old child whose body was found” and so on. Again, we’re not adding foster children to Wyandotte County.

Helen Hokanson
CO2022-015
page 92 - 4th line from bottom
“My concern is around putting that many foster kids together in one neighborhood.”

Tony Tucker, 4244 N 67th, KCKS
CO2022—15 June 13, 2022
“We are not against a church nor foster kids but the risks are high and we don’t believe their ideas are conducive with the area.”

Helen, page 92, “My concern is about putting that many foster kids together in one neighborhood.” That’s redlining.

Tony Tucker, “We’re not against the church or foster kids, but the risks are high and we don’t believe their ideas are conducive.” What does Tony mean by risks are high? And, “Their ideas are not conducive to the area.” He’s not saying the development is not conducive, he’s saying their ideas are not conducive. That’s discrimination.

It’s clear to me that the neighbors are creating a lot of pressure, that their motivation is due to clearly stated discrimination that must not cause a poor decision tonight. Foster families are federally protected from discrimination.

Later tonight, the neighbors that oppose our application, are going to stand up and say the street is narrow and dangerous. Earlier this week, I reached out to the Kansas Department of Transportation and asked them, in the last ten years, how many accidents have there been on N. 67th St. There’s been two. One person backed up into a mailbox and the other person backed up into another car. It’s not a dangerous area and there were no injuries, obviously.

They're also going to say well, what about the garbage truck. That's an existing condition. We're not causing the garbage truck to come. It's not like it arrives five times a day. It's once a week.

It's too narrow for buses. That's an existing condition, and the Fire Marshal has already determined that the street is okay for a fire truck.

They're going to say, we didn't mean what we wrote. Those letters to you and the Planning Commission were sent to influence your vote. They absolutely intended to put pressure on you to deny the application based on their fear, anger, and discrimination.

They're going to say there's no local support. That's not true. We have two immediately adjacent neighbors that sent support letters in the face of significant intimidation. Don't be swayed by fear of change, anger, and discrimination. Those are not acceptable reasons to deny the staff approved application. We believe that your unanimous approval of our application is reasonable and substantiated based on staff's recommendation and other merits of the application.

My proposal is to use existing buildings and to add some single-family homes for families. This project is a great fit for that property, and it will be a project we'll all be proud of. Thank you. I'm happy to answer any questions.

Mayor Garner said I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments in favor of this item. **Ms. Sparks** said yes, Mayor. We had nine comments that were received in favor: Amanda Jordan, Deana Leshner with Pediatric Connections OT, Rodney and Sarah Gibson, Rebecca Fox of Attachments and Trauma Therapy, Shanelle Dupree, Elizabeth Novogradac, Bud Reynolds, Joy Meadows Inc., and Representative Tim Johnson.

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

Doug Hoffman, 16229 Garnett St., Overland Park, KS, said my wife and I are foster parents. I'm going to talk about a beautiful little girl today that we've had for two years. She showed up at our house in the middle of the night scared to death. You guys with kids can only put your kids

into that place. Everything she owned in half a garbage bag. Unfortunately, a large percentage of foster parents quit after the first year because it's hard and it's isolating. We have six kids of our own. The lessons they've learned by some of the trauma that these kids have had, most of them probably more than anybody in this place. The things that I see that Lightland's proposing to support foster care parents, I think are so important.

We have a group of nine neighbors that support us in Overland Park. They bring us meals on Thursdays, they pray for us, they know the kids, they support it. The saddest thing about this girl was she was separated from her siblings. Six months ago before she came, she was separated from her parents. Six hours before she came to us, she was separated from her grandparents, and six seconds before she walked into our house, from her two brothers and sisters. My house is not big enough to qualify to take them all or we would have. What he's proposing is not to separate these siblings.

I'm telling you; I took them over to meet and it was great for an hour. I pried this 3-year-old out of his 8-year-old brother's, well, he just cried and said don't take her again. Don't take her again.

If you can solve these problems, and they're already there. This isn't the problem. This is a solution. These guys are professional real estate guys. They know what they're doing and they've set up something with Joy Meadows. If you look that up, that's a huge success story. That's what these guys are wanting to do.

So I just ask, help these kids out because they've had enough bad breaks. They need some help and this is a great opportunity. I would hope the neighborhood would lean into it. I know it's scary. I do. But I'm telling you, there's no more pride when you can support something like this. Ten years from now and their lives...**Ms. Sparks** said one minute remaining.

Mr. Hoffman said I didn't need that one.

Zach Cole, 11909 W. 48th St., Shawnee, KS, said similar to the previous gentleman, my wife and I have been a licensed foster home in the state of Kansas. We actually ended our foster home five years ago when we adopted our youngest child. But similar to the gentleman that just spoke, over the years that we were foster parents, we've had a total of 18 children in our home. I honestly don't know the number that were from Wyandotte County versus Johnson County, but really, the numbers that John spoke about that I would just impress on everybody is from the article that I

saw. In 2014, Wyandotte County had 498 progressively up to 2018, that's the last number I saw, 666. Wyandotte County children in the foster care system with 200 beds available. So, you just kind of do that and you realize okay. There's a big need and there's not beds available in the county. Again, I just look at the very practical nature of having single-family homes. Like the gentleman just shared, really just the support of the community, the community that's caring for the children.

I would really just say, too, just the neighborhood. I've been out to the property. It's a great property in District 8. What I would say is, if you were a foster child, obviously, again, we don't want to be in the situation of being taken out of your home, but if you were, what a great neighborhood to actually have the opportunity to be in.

The goal of the whole foster care system is to reunite families. So, the idea is temporary placement with families that would care for them, neighborhoods that would care for them. **Ms. Sparks** said one minute remaining.

Mr. Cole said so with that, I would just encourage. The other point that I wanted to really quick make was, again, the 666 children in the foster care system, when you look at the number of children in the Wyandotte County school system, it's 8,000. You're talking about 8% of the children in foster care. So, the idea that—think about that; 1 in 12 children. The very schools in the neighborhood already have foster children. This is not adding, to John's point, any additional children into the schools, into the neighborhoods. They're there, so really the idea is keep them in the communities that they're in. Thank you for your time.

Justin Oberndorfer, 13901 Leavenworth Rd., Basehor, KS, said I'm the Executive Director of Joy Meadows. We have gone through this exact same thing in Leavenworth County. What we know here in Wyandotte County is that there's a fluctuation from 600 to 800 kids a year. There's only a hundred families, actually below a hundred families that can meet that need. That need is not met. Kids are shipped all across the state.

The first trauma is the fact they lose mom and dad. The secondary trauma is they lose their siblings. What we can't fix is what mom and dad have done or what they're doing, but what we can help with is that secondary trauma. We can fix that as an organization. Joy Meadows has done this for the last two years. We are developed. We've built two homes currently. We're building two more right now. For us, when we look at this need, the majority of the kids we

serve, over 50% of them come from Wyandotte County. We are located in Leavenworth County. Over 50% of the kids that we serve do come from Wyandotte County.

Joy Meadows' story starts with a super group of seven that came out of Wyandotte County. That's where Joy Meadows' story started. The seven kids were disbursed all across the state. We had one medically fragile kid that we were able to keep from the three that we raised from birth. After they were moved and shipped around the state, we kept the one child because she was medically fragile. That is our story.

The reason why we started Joy Meadows is because sibling groups do not need to be split apart. The problem is because of capacity of homes. We don't have a place to put them. Most people don't have any extra seven beds in a home to do that for any family. So, as for us, that was our calling. That was our burden.

Right now when we start looking across the state, there is not many people doing or attempting what we do because it's expensive, but it's incredible. Lives are being changed. Lives are being transformed. Families are being reunified. It's not about taking kids away from the county. We're saying how can we keep them in the county. Let's assist a biological family. Let's assist the families that are in that crisis to help the kids heal together as a sibling group so that they can now become one again. That's the point. Let's not take away kids from the county. Let's rehabilitate them. Let's heal them. Let's help them, give them hope and healing. That's what we do and along the way...**Ms. Sparks** said one minute remaining.

Mr. Oberndorfer said ...help the families who lost their children as well. So, not only there's a benefit for your community, for your families of Wyandotte, building better families as well. This is something that could really showcase what is happening in the foster care arena. Like I said, we've heard from Tim Johnson. You guys have letters from him. The state's already encouraging this. They're supporting it. They want to see more of these. We have other counties trying to do the same thing as well.

Currently, I know that we're fighting about a road. I believe the heart behind it is not about a road. It's about the kids. The homes do not—a group home with 12 kids. State mandates only 6 kids can be in a home. So, we're talking half of what is being gossiped about within the group home. That is not what's happening.

I just want to say this is a great organization. This is a great calling for these people. I can't tell you—this is an incredible organization that has a lot of support and a lot of buy-in from local organizations from agencies, from therapy...**Ms. Sparks** said your time has expired.

Steve Brown, KCMO, said I've been a friend of John and Leslie Emanuels for over 20 years. One of the things that God put on John and Leslie's heart is they got involved in respite care. They also had a desire to find land where they could bring the beauty of what God has created in nature and connect that with what their hearts desires are to connect these families. The land, if you've been out to this site, it's beautiful. That's why it was named and the ministry was named Lightland because of the beauty that the land brings. What John and Leslie have done through the city's recommendations were to maintain the beauty and the context of that by setting the homes in an area on the land where it would be clustered in a way that would not deter from the beauty of the land.

I don't know what is before you in terms of the documents that were presented, but the opportunities are tremendous from fishing, to hiking, to a large agricultural garden to be presented to allow these foster children and families to experience something that they may not have the opportunity to experience.

I just ask you to really consider strongly what's been presented, the facts, and please move forward with this. I think it's significant not just to the county, but to the children specifically that are from the county.

Leslie Emanuels said I am John Emanuels' wife. It's interesting for me to be talking against the neighbors or it would seem because I feel like we have similar goals. So, that's what I think is kind of sad. When we started to put together this project, one of the things we talked about a lot was what are our major goals. One of them was safety. The number one thing was safety for families and children. The number two thing was to protect the beauty of the area.

We had a meeting with the neighbors and they were very upset that it would disturb what they currently see and it would be different from what they currently see. So, we worked very closely with the city to change things and to cluster homes. Part of the reason that we're getting a zoning change is that if we don't have the zoning change, we have to put the road in front of the barn and the building and that would make it so the neighbors would see the road a lot. It would

disturb the beauty a lot. So, we need a zoning change so it can go behind the building so that they don't see it. So, we're trying to work with them.

The lots are very, very large. They won't be seen by the neighbors. I think that they will find—you have heard from two foster families here tonight. Foster parents are incredible people. It's not like the children are going to be running wild and crazy. They will be under the care of very, very experienced foster families. Our desire is not only—our big desire with the church, it's not just these houses. Our big desire with the church is more than meeting on Sundays. We have a lot of us who go to church on Wednesdays...**Ms. Sparks** said one minute remaining.

Ms. Emanuels said ...and listen. Our desire is for everyone to get involved and do a tiny bit to help foster families. Having people wrap around current foster families that might not live on the land but live in Wyandotte County. We'd like to give the opportunity for every foster family in Wyandotte County to be supportive.

Solomon Dabe, 15380 S. Alden St., Olathe, KS, said this evening I'm here observing what is happening. I, myself, was a foster kid, you would say, who have stepped in my life to change my situation like Leslie and John have tried to do. My thing is it's aching when I hear that these kids are being perceived like they don't deserve. I was the one who didn't deserve it, but somebody stepped in. I now have my own children, not only my own children, I have been having that passion for children. Now we are supporting children, hundreds of children, families just because someone believed, accepted, and tried to give the best. I think the neighborhood, with all what Wyandotte County is going through, I believe that this opportunity brings not only for the families but the neighborhood. Just imagine these children and the families, the burdens they go through. I think we can't afford as a community to lose this opportunity.

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

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

Ms. Sparks said we have Bud Reynolds.

Bud Reynolds, Overland Park, KS, said my wife and I are Kansas residents. We've been licensed foster parents since 2012. We have fostered numerous children out of Wyandotte County under Judge Daniel Cahill and various other judges in sync cases over the years.

I'm in favor of the Lightland Ministries' application. The actual land use code and supporting materials of the application, along with the staff recommendation, appear to be straightforward to me. That said, I acknowledge that public pressure can impact decisions. So, I would urge you guys tonight to stick to the facts. There are moments in each of our lives that define us when we need to make a decision between what is easy and what is right. So, tonight, I would urge each of you to not do what is easy, but to do what is right.

Representative Tim Johnson said I would like to thank this opportunity to speak on behalf of this. Two years ago when I was elected to the State House, one of the things I asked for was to work for kids. I was able to be put on to the Child and Seniors Committee. What I found in the last two years is that Wyandotte County has done many things that go unrecognized to improve our kids. Representative Louis Ruiz was dogged in getting Adrian's Law. Absolutely critical. We followed that up; the support of a Child Death Review Board that comes to Wyandotte County. It will make a difference in how you can check on and support safety for your kids.

Now Wyandotte County has become the leader in medical examinations of abused children. You do not get the recognition you deserve from other counties. My esteemed colleague, who serves in the legislature and also on your council, will tell you the votes come hard for Wyandotte County at times because people, for some reason, do not accept us for our culture, our people, but you are a leader. This program will be an awesome addition to what you've done in the last two years.

I pledge my support on the Oversight Committee. We will meet in November, and I absolutely will work on those hearings to see what we need to do to further support this particular project. We can help the kids.

Ms. Sparks said, Mayor, we have no other hands raised.

Mayor Garner asked, Clerk, are there any notifications that were received from the public who wish to express their comments in opposition of this item?

Ms. Sparks said, Mayor, I apologize. We have a late hand raised from Joy Shiner. **Mayor Garner** said that's fine. We can back up.

Joy Shiner, 8009 W. 102nd Terr., Overland Park, KS, said I just wanted to join in saying that my husband and I have been acquainted with the Emanuels and have walked through this journey with them both of fostering their own kids in their home and also several of the others who have spoken tonight.

I, myself, have been an educator for over 30 years. Hearing the statistics that you all have heard just from Wyandotte County of the great need to support foster families. The thing that I'm most impressed with is the fact that this family, the Emanuels, have done everything that has been asked of them. They have gone through with every commission, with every meeting, with every group trying to connect with and have complied and graciously tried to change over and over again what they are proposing so that it is a win both for these families that will be living there and enjoying this beautiful property. If you have seen it, it's amazing. It is just rolling hills. It's gorgeous. It's a perfect—anybody would want to raise their kids there. It's an ideal spot to put families.

Also, they've just tried to accommodate anything that has been asked of them. So I do join—I just want to join my vote to say I really—from what we're hearing and seeing, there's no reason that this Commission cannot move forward. Simply put that what they've been asked to do legally. What they've been asked to do by law, by the request of those around, by the need in this county. They have said yes to all of it. We're asking you to move forward simply because tonight there would be reason that you would have to prove, as a Commission...**Ms. Sparks** said one minute remaining.

Ms. Shiner said...that you would have to prove, as a Commission, why you would oppose this because, again, legally and with all the proof that has been and the documents and the evidence before you tonight shows very clearly that all of the things have been met. The requirements have been met for this to move forward. So, I would encourage you to vote according to that. That's very clear. I thank you so much for your time. I know that as the testimonies before me have said, all these families and the kids that are represented will thank you. These are kids that are already in your county and this is going to be a beautiful, great thing to move your county forward.

Leo Despain, 420 Lakeshore W., Lake Quivira, KS, said we've known the Emanuels for over 15 years. We're well aware of their work with foster children. We've had some limited

experience ourselves years ago. We know the need for that and it seems to me, I'll make it very quick, it seems like it's a real kind of a no-brainer for your decision-making from what I've heard tonight. They very clearly outlined the need. Certainly Wyandotte County has the need, and this is a solution to that need. I would urge that you vote for this particular thing which is going to be helpful for Wyandotte County. That's primarily from Leo and Dana Despain and or experience with what we've seen with Emanuels.

Jim Wright, 410 Terrace Trail E., Lake Quivira, KS, said I've known John and Leslie for 8 or 10 years now and have seen them take children in before interim foster care and go out and get them from an unsafe environment at 11:00 at night in a rainstorm or snowstorm and keep them for 24, 36 hours until they were safe and secured and nurtured as much as someone can in a short-term care.

Wyandotte County has a tremendous need for supportive foster care. I'm a supporter of Joy Meadows, which is in the county just west of Wyandotte. I've seen the miracles that are being performed there when these children are brought into a loving house with a mom and dad and other children. They're generally the biological children of those foster parents, and they're exposed to supportive services in a central, efficient, impactful location. Lives are changed and I frankly believe their lives are saved.

I, too, came before this County Commission four or five years ago. You were graciously and the neighbors graciously accepted our proposal to build 60 supportive housing units with our partners, Metropolitan Lutheran Ministry. We actually just cut the ribbon there yesterday. I'm delighted to say that all 60 units, 40 of them are Section 8 housing, are occupied. The place looks great after a year. The neighbors there were overwhelmingly supportive. We had a couple of meetings that were supported. **Ms. Sparks** said one minute remaining.

Mr. Wright said I would really hope that you would do the right thing and take the high road. These children are in Wyandotte County. They are at risk. You hold within your vote the power to get them supported, housed, a roof over their head, and on the right track with a family. I wish you well and wish the Lord guide you in your vote.

Ms. Sparks said, Mayor, there are no further hands raised.

Mayor Garner asked, Clerk, are there any notifications that you received from the public who wish to express their comments in opposition? **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present that would like to speak in opposition of this item? Please come to the podium. A reminder to state your name and address for the record. You will be given up to three minutes.

I have to take a brief breath because I'm kind of blown away. I was wondering which Johnny Emanuels we would see tonight because we've all seen several versions of him in this time. As a community member, we're being called discriminatory, we're being called manipulative, yet in the first meeting when he talked about starting this church, when asked...**Ms. Sparks** said, ma'am, we need your name. **Jessie Villarreal, 4045 N. 67th**, said sorry. I'm a little fired up. My property is directly adjacent to Mr. Emanuels proposed development. Let me first state, besides all of that, that he can still accomplish his goal without this rezoning. So, let me make that point.

We're not gossiping. We are doing our due diligence. We have spent countless hours and time trying to make sure that we follow this process respectfully and professionally. We're being called these names. In the first meeting that they had—for the first and only meeting that they had, when asked what denomination Mr. Emanuels' church would be, he said you are not going to be welcomed to join me in my walk, and that's recorded. That was his comment to the community when asked, is this a church we will be able to attend. So, naturally, it probably didn't get off to a good foot.

We are not adverse to change. We understand the rights of property owners. We are not in opposition to the idea that all of these people have spoken about which, by the way, has no relevance to the zoning request he is making.

We are not in opposition of foster children having a good chance at life. My father fostered teenage children. My niece and nephew currently foster children. Who would not have a heart for the need there? Let me be clear, too, that that 80% of foster children suffering from some sort of severe mental illness, that's a statistic. That's not me just calling his crazy. It's not their own fault. That's the straight up truth.

Another straight up truth is that federal watchdogs says that in Kansas, we have one of the highest rates in the nation for missing foster children. **Ms. Sparks** said one minute remaining.

Ms. Villarreal said 2,274 between July of 2018 and December of 2020. I'd like to show the pictures if I could that I sent in.



There is a picture with a little red circle on the middle of it that shows where my husband is standing in the ravine. Now if you want to stay there for a second, Gunnar, my property is in the yellow highlighted on the left. That red circle circles a ravine, a dry ravine that sits about 15 feet below the regular surface. The black lines on the right are the lot lines that he's proposing. You tell me when a child runs away. Can you see where the river is? Can you see just south of there that red writing that says railroad tracks? Can you see the writing that says ravine? Where are those kids going to run away to? I'm not saying that they don't deserve a safe shot at life. What I don't want is some poor child running away in the middle of the night...**Ms. Sparks** said your time has expired.



Ms. Villarreal said ...and getting hurt.

Roxie Armstrong, 6541 Donahoo Rd., said my front window, front porch, looks straight up where all those homes are going to go. Hey, we already know that he can build whatever he wants. We get it. No problem here.

Foster children. What they're saying and acting like we are afraid to have these foster children up there. I'm appalled at what we've been called. That's not fair because that's not what

we're about. We're more concerned about one story we're told here and then the next story we're told and then it changes to another thing. That's what we're upset about. We're not seeing consistency. Whether he's consistent about foster homes.

The people are going to rent homes from the church, which will be a 501(c)3. We know that. That's why he wants to have these foster children. I'm kind of worried that they're considered kind of like cattle. They're going to have them in and out as moneymakers. It is how I see it. I see that and it concerns me a lot.

(There were comments being made from the audience and the Mayor said let's be respectful of the speaker.)

I'm also concerned about the—the way—I'm not sure I understand. The land is split in two. One property is owned by the church. The other property is owned by an LLC, I believe, but they're both properties—the one that's owned by the LLC is where the church is at. So, I'm not really concerned. There's a lot of things we don't know the real issue that the setup is. It changes. So, we all have a lot of concerns about the changes that happen all the time. **Ms. Sparks** said one minute remaining.

Ms. Armstrong said there is concern about the road. They're acting like that's not a big deal. The buses cannot go up there. It's a private road. I drove a school bus for 12 years. I know you can't go upon a private road. You're just not allowed to period. So, that's one of our rules as a bus driver. I'm not one right now. Haven't been for several years, but I don't think that has changed. There are conditions on that road with those children being on it. We are concerned about those children.

I'm also concerned about the septic system of where the drainage will go, to the leaching into the ground. Will it go into that ravine that goes into other people's property? Will it go down to that deep side there where it goes down by the river? **Ms. Sparks** said your time has expired.

Ms. Armstrong said I just want you to listen to that.

Mayor Garner asked, is there anyone else? Please come to the podium. Your name and address, please.

Joanna Carl, 3619 N. 67th St., said I'm right on that street. My husband and I, we're actually—it's interesting that this is happening at this time because we've been going through classes to become foster parents in Wyandotte County because we want to help children. We care about the children in this area. When we heard about this foster, multiple houses of foster care homes going up, I just thought, huh. This just didn't seem right or normal for kids because I know with the foster care system, you want kids to be put in homes, in normal kind of families, in the community so that they can feel like you're part of a normal community. You're with other children. You're in a neighborhood, right?

My concern was, if you've got like this area that's got multiple homes and you've got all these foster kids, I personally would feel, if I was a foster kid in that little area, I'd be like I'm here in a home with all these foster kids and then there's another home with all these foster kids. We've got all these multiple homes with foster kids.

Then there's the rest of the kids in the neighborhood. They're going to look at us like we're this outcast. Like we're not part of the community. It just seems strange. I feel like those kids would feel just like it's not usual. Like they would be discriminated in a sense. This is a discriminatory kind of like pushed off into this corner of the neighborhood. So, I wanted to understand...**Ms. Sparks** said one minute remaining.

Ms. Carl said I'd like to foster children as well, but in a way that I feel would help the children feel that this is normal. They're in the neighborhood. They're in a family. They're actually close to the bus stop. The bus stops right in front of my house. The bus—so where the road is, it's wide enough for two cars at my point on N. 67th. But the further north you go toward the river, at that far end that's landlocked where he wants to have the foster community, it's narrower. It literally is narrower and the bus doesn't go that far. I'm concerned about kids who are maybe handicapped or they've got some kind of issue and they're sick and they wouldn't be able to walk. They wouldn't be picked up so they would have to walk all the way down to where my house is. It's a long walk because I walked from my house...**Ms. Sparks** said your time has expired.

Ms. Carl said I worry about these kids.

Robert Carl, 3619 N. 67th St., said as my wife previously said, we are taking the class to become foster parents. It's been quite the interesting class; learning a lot of things. We all grew up in homes that were also broken, and we understand the need for foster care.

Also, being new residents in that area, we haven't been privy to a lot of things that have been going on in the past. I guess a year and a half, or whatever it's been going on with, but I have looked over everything in the documents that have been submitted in the past sessions.

Being a new resident in that area, when I looked over that traffic study and seeing that it really wasn't taken at a time where there was traffic, I think it's important to look at the actual evidence underlying the studies. It's one thing to stand up and say oh, yeah, we had a traffic study. It was great. Now look at the traffic study. Have it from 9:45 a.m. to 10:45 a.m. in the summer. Who's driving on the road at that time? I left for work at like 6:00, 6:30, 7:00. So, I don't think we had a justified scenario where there was a traffic study.

I just think in general there's more information that needs to be gathered in this. I've talked to the neighbors that are against this. I've heard now from those that are for and I do not sense any discrimination at all. For one thing, I think the definition of discrimination here is a little bit off when they somebody's saying it's a bad location is discriminatory. Okay. All right. That's not discrimination if they don't think it's the safest area for the children.

But in terms of the actual studies, there are some other things. I, also being a geographer, as a planner myself, have gone through those studies. There's some other important things that need to be considered. I'm not sure if Gunnar's gone through them all. With themes like this that are going to affect the natural environment, knowing that there's five different...**Ms. Sparks** said you have one minute remaining.

Mr. Cole said...spots of erosion. There should be some appropriate studies performed. I think there's a lot more questions that need to be answered. So, I definitely agree with the original oversight of the Council that said that this should be held off and not approved immediately. I think there's a lot more questions that need to be answered.

For example, when it comes to what type of children are they going to take. According to Kansas code, as part of the classes that we're going through, there are Basic 1, 2, 3. There's Intensive 1, 2. There's ICC. There's CDDO. Lots of different varieties and ranges of children according to their assessment, and those bring in different risks and dangers. That's not discrimination. It's just how Kansas has coded things. Those will, if it's Intensive 1 and above

that they're taking—what if it's long-term care? What if it's short-term? It's going to need to address a lot of emergency vehicles that need to go there, depending on the type of children that they do take in because there are certain risks associated.

My point of view, there's way too many questions to make this decision currently. **Ms. Sparks** said your time has expired.

Donna Henderson-Hoyt, 6422 Cernech Rd., said I'm the coordinator for Cernech Road Area Neighborhood Association. First off, I'd like to ask why our petition was denied. I'd like to show not only do I feel we had 20% of the neighbors, but we have probably a majority of everybody on 67th, north and south of Donahoo, and Donahoo, including other people in the neighborhood who may be touching the eastern part of his property.

Part of our concern is, if Gunnar will pull up those pictures...



if he's got 160 acres, his whole idea to rezone, in our opinion, is so he can build more houses on smaller lots. That is our concern. It does change the property. It does change the character. That bottom picture where Jessie was trying to show you was her husband standing inside a ravine. A child were to be running off and run down the backside of one of those properties, they'd end in that ravine and that's dangerous.



The other picture she had was the overlay of her property. Those houses—her house is in that bottom corner. He has 160 acres, which this is his first phase. He plans on building multiple houses out here, not just 7. He's told our community that. He told two people that as recent as three weeks ago. So when you have 160 acres and you're clustering this for you guys tonight, clears open space for him to build more houses later, which will impact the traffic study.

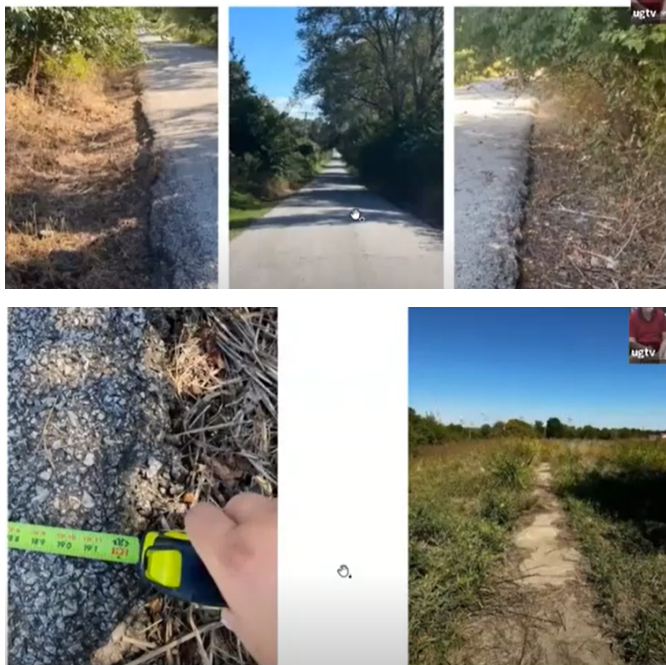
That traffic study was one day. Your own traffic engineers know a traffic study is 7 – 10 days, which counts Sunday traffic as well. We have two churches on 67th St. That traffic...**Ms. Sparks** said one minute remaining.

Ms. Henderson-Hoyt said ...coming in all directions. You didn't even account for the 20 houses west of us, 67th on Donahoo. There is no outlet for those 20 homes and you guys have 0 cars counted for that area.

I'm going back to your golden rule. Whether there are adequate public facilities and services and able to propose lots, including internal and accessing street systems, when you add 156 more cars, per their skewed traffic study, that does impact the roadway.



Then when you start building additional homes and possibly building more people into recruit, train, and deploy for the community in your church services, yes. You're also causing an undue burden because you're putting everything under tax-exempt, so you're pulling your tax revenue that you have now on that property and not having anything. So, I'd like to know if that occurs...**Ms. Sparks** said your time has expired.



Ms. Henderson-Hoyt asked, will the UG look at PILOT fees to recoup that money?

Tony Tucker, 4244 N. 67th St., said the traffic study, what a joke. I've been there my whole life. That road bottlenecks down to 16 foot wide. We've been over this I don't know how many times. It's getting old. Two cars can't pass safely.

What are you going to do about the kids getting to school because that bus will not go north of Donahoo. I've already talked to Anita Rocha, USD 500 Transportation Supervisor. That bus will not go north of Donahoo. It will not. He's got a private drive he's going to put in. That bus will not go down a private drive. Two cars ain't going to pass safely. How's the kids going to get down to the bus stop at 67th & Donahoo? I still haven't gotten the answer for that, and this is my third time up here. 156 cars added per day at the last meeting we had. That's our number added.

Why can't we take a drive and go all the way through his property, go all the way up to the top of the ridge and hang a right and exit out on Donahoo? That's no burden. That's a burden on his pocketbook, but that's reasonable. Why do I need 156 cars coming in. Gunnar, I need that map up here, please, the one with the property.



67th St. all the way to the end. That's his drive on the right. That drive on the left is my drive. How in the heck am I going to get out of there? There ain't no stop signs. There ain't no stop lights. That's a 16 foot wide road. It's spooky is what it is. The traffic study is a whatever. None of it makes any sense to me. This is real life stuff.

Once again, why do you got to rezone? You got 160 acres, man. That's a lot of land—because there's three phases.

Lawrence Kappelman 4108 N. 67th St., said I was going to set the record straight on Manion. He operated his business out of his home, which was on 4145 N. 67th St., for about 10 years. Then his business got so good that he ended up building the buildings that are on the north side of the street. So, I just wanted to make that clear that he may have had 25 years of service, but there was only about probably 20 years of actually using that property at the north end of the property.

Chad Devereaux 6629 Parkview Ave., said I really want to lead off with, I think, looking at us, it's kind of nonsense that we'd even have to defend ourselves with this statement that we hate foster kids. I mean there is no way on earth that any of us would actually hate a foster child. We're in a situation they would find themselves in.

What we do not like or we do not trust is anything we have heard from this camp. It's been alluded to multiple times any meeting that we have heard of or been part of, somehow the plans have changed. At the end of the day, the Manion's, they did not have customers coming up to those warehouses. I think I need to be perfectly clear of, occasionally they would have, but there was not constant traffic to that facility. They mostly did it through phone sales. So the business hasn't been going on for years.

I believe there was a picture of 67th St. There is a truck in the middle of it. Nobody can go around. Even if that truck was fully on the side, you still would not be able to pass. My family lives on that street. If I see a UPS truck coming down the road, I have to stop at Donahoo and wait for them to finally come out and pass. That road is not wide enough for 156 additional units of traffic daily, if that's even an accurate number, because it doesn't sound like the study itself was accurate.

Also, let's go ahead and touch on it. I know it's a difficult situation, but since they want to bring up foster kids, let's talk about the Joy Meadows. Right now the state of Kansas pays \$700 a month for a child to live there. If the property is owned by a 501c, then taxes cannot be collected on anything that they do. Joy Meadows on their website says that each facility has to have a maximum of six kids, which is also the maximum that the state will allow. So, we do have the facility paying no taxes, not generating anything to our county or to the state, while they're cramming kids into a house. I don't understand how that's servicing kids because it doesn't really...**Ms. Sparks** said one minute remaining.

Mr. Devereaux said...sound like our concern is servicing kids. It might be financial reasons which brings me to my last point. The church that they keep calling the Lightland Ministries did not exist over a year ago. There is no record of them having any services, any charitable work. There was no history of them existing. I've never met a pastor who would say you cannot come to my church. Every pastor I have ever met wants you to come and be part of their family. So, it doesn't sound like it's actually a church. It sounds like it's the benefits that comes from their classification. That is all I have.

Joseph Tucker, 2748 N. 66th Terr., said I had the unfortunate experience of being a previous owner of this property in question. I let go of the property in 2014. Before that, I owned it for 10 years. I don't know much about foster kids. I don't have any kids of my own, but that is not a place where I would think would be safe. During the time I owned the property, there were numerous trespassers. You may have been to the property and seen what you can see from the road, but if you go over that hill down toward the river, it's a cliff and there's railroad tracks and there's trains. During my ownership time, there were wild dogs that we had to deal with. There were trespassers. Starting here in a couple of days, hunting season begins. We had trespassers come on the property to hunt with guns. They would come in via the railroad trucks, walk up on

either side. They would come on the river by boat. If I had kids, the last place I'd want them to be out there at night, for sure, is on that bluff.

We had an episode with wolves. No joke. They attacked my dogs one night. That bluff is about as remote as you can get in Wyandotte County. If you go down there and walk around you will see. It's not a place for children. There's too many things that can go wrong. I mean, nature in itself, rattle snakes, etc., it's a dangerous place. So, if I was going to have a place for foster kids, this would be the last place I would want it to be.

Just to reiterate what another said, when I owned the business, traffic was minimal. **Ms. Sparks** said one minute remaining.

Mr. Tucker said we did have 20ish employees at one time, but the only trucks we ever had was maybe UPS and the post office. There were no other trucks. Very few customers came there. It was an online business. We did everything by mail.

Stan Bartley, Cernech Rd., said I think we're getting a little off topic with all of the foster care tonight. What we're directly here for is a voting for a decision to be made by the commissioners strictly for a rezoning of this property. Currently with the property the way it's zoned, it's commercial and agriculture. They have the capability to fully use and obtain maximum amount of pleasure from the property they own. Nobody's denying them that. What we'd like to see is that kept as a nice open green space up there and by allowing what the current zoning is on that property, they are able to do that. They have to build on larger lots and that would keep a nicer green space and would reduce the impact on the community by doing so.

By the Planning and Zoning's own standard list, what they call the golden rules that Planning and Zoning puts out on how a project is going to impact the community, this project actually failed five of the eight rules from their golden list of rules when they're analyzing the project for a community development.

So, I just ask for you to vote like the Planning Commission did and deny the rezoning of the property.

Christine Lynch, 3745 N. 67th St., said I'd also like to reiterate Manion's had very little—I'm sorry. I live at the top of the hill prior to the property. Manion's had very little traffic. It was

mail order and online only. There were very few customers, if any. There was UPS, FedEx and the post office. That's it.

Mr. Emanuels' support doesn't live in Wyandotte County. They don't live in the neighborhood. We don't have a problem with the foster system. Not an issue. What our problem is, if safety is their kids' concern, the street is narrow. It just is. There's no sidewalks. The street's not plowed past Cernech, or at least as far as my house anyway. You're going to have little kids walking up the street. The closest bus stop is a quarter mile away, at least. I've got a high school student that walks down to that bus stop. It's dangerous for her. Now there's one other kid down there. It's dangerous for these kids to be walking down the street, especially in the winter. There's no sidewalks either side of the ditch all the way up to the property, both sides on Donahoo, all the way up 67th St. If the safety of the kids is a concern, then I don't get it. There's just nowhere for them to go. Somebody's going to get hit. As a matter of fact, about 15 years ago, some little girl was killed over off of Parkview on streets just as narrow as ours.

Tina Kappelman, 4108 N. 67th St., said I've been out there 40 plus years. I've gone to Wyandotte County schools. I've had to go to the bus stop. I've had to wait on the street and it is dangerous. Also, about that road coming in and out, it's fine, it's beautiful when the weather's nice and it's sunny and it's shinny; but when the weather's bad or it's wintertime, living on that bluff and the wind comes in and it's blowing 60 – 80 mph, which has happened, we lose power, everything blows away. If you're looking for internet services and stuff like that, it's very limited out there.

I drive it every morning to and from work. There's some days I don't make it into work because there's only two ways out from where we are. It's to go up 67th St. past Donahoo, that is hilly. It's 19 feet. It's crowned so everybody goes up the street in the middle. If you slide, you're in the ditch. If we were lucky if we get our street sanded, salted, shoveled on that. The other way we have to go would be Donahoo, which is hilly, sharp curve, hill...**Ms. Sparks** said one minute remaining.

Ms. Kappelman said ...up to 63rd. Then about having a church down there. The two churches that we have on 67th St.—one at the corner of Leavenworth Rd. has always been a church. The Cure Church used to be Vance Elementary School. When they have events there, they have somebody there directing the traffic in and out. Most of the cars and most of the traffic

that come and go out of there, go north to Leavenworth Rd. We don't have a choice once we go past down to Donahoo. We're stuck on that road. They're stuck on that road. In the winter at night and you have deer you also have to watch out for. Not only your neighbors and people coming and going, but deer. Deer don't pay attention to traffic signs. If there's one, there could be eight. **Ms. Sparks** said your time has expired.

Ms. Kappelman said ...and they jump out.

Mayor Garner said I'd just like to remind everyone, it has come to my attention that there may be some chatter between opposing views in the audience. I ask that you please be respectful of the speakers at the podium. Please keep your comments muted until the speakers have completed. I know that it's a very polarizing issue of where you all may stand as far as your views, but let's be respectful, again, of the speakers and this chamber, and maintain a respectful decorum until the speakers have completed their comments.

Phyllis Dugger, 6805 Donahoo, said last night we had a trespasser roaming the neighborhood and the street. The police were called. They had to call out EMS and the first trucks to assist with assessing this gentleman to see if he needed further help before they arrested him, which blocks the road. There's no way to go around if you have emergency vehicles or a police car in that road. That's how narrow our roads are. They're not a typical street where you have two lanes. These are basically one lane roads from north of Donahoo and Donahoo going east and west.

I mainly learned about all this, the details of this project, in the last couple of weeks. From what I understand is, he has the zoning now that would allow him to put in these initial seven homes. He can do that. If he wants to have foster families in those homes, he can do that. What I'm concerned about and what many in the neighborhood are concerned about is, if he has his residential zoning, what does the future hold. We don't know. You don't know. What he has alluded to people at different times is he is looking in the future of building more homes up on that ridge. That is something that everyone is opposed to. We don't believe that land would support that.

The drainage is a major concern as Roxie pointed out. Everyone's on septic out there. How many more homes can you allow to be on septic out there? Has that been studied? Does anyone know?

The electrical. We're without power at least once a year. The internet service out there...**Ms. Sparks** said one minute remaining.

Ms. Dugger said the internet service out there is poor. The phone service out there is poor. Sometimes I have to leave the neighborhood to get a good phone signal even in this day and age.

The infrastructure isn't great. This is a piece of country in the middle of the city and services seem to still be a country service and not a full city service. I would hope that the committee would support the vote that the Planning Commission gave and deny this change to residential. He has his ag, he has his commercial, and that would support the seven homes he wants to put on there.

Nanette Hobbs, 4244 N. 67th St., said it's all great. We've been called all kinds of stuff tonight. It all boils down to this isn't about foster homes. This isn't about building a home. This is about rezoning the property. That property, after he split it, it's still 97 acres. There is no need for spot zoning. We're going to have residential, ag, residential/commercial/ag. There's no need for that. To be honest, the way the church is, according to statute, he could zone it all ag and still have the church there. There's no need for all this.

We're not saying we don't want these foster homes. We're not saying we don't want the foster kids. That rests on him and his conscious when those kids fall down that cliff. What we're here tonight to say, is there's no need for rezoning. Lawyers talked about the price of doing what's right according to statutes. Yeah. We're all upset. We're very upset. We've heard so many lies.

When I first met them both, the goal was, we're going to buy this land and put our dream home here. Then it changed. We're having a 30-person church, 50-person church. A year and a half we've been battling this. Several different stories and the result is, none of that matters tonight. We're here because there's no need to rezone. Plenty of land. Yeah, I understand Gunnar says cluster homes together. Well, what good does that do? You're going to put all these homes in one spot right now. What about the homes in the next spot? It's a joke. The property's not

even maintained now. What do we have to look forward to in the future? What happens if this project doesn't go through? We're going to be stuck with half-built homes. Again, none of it matters. We're here for the rezoning.

Tonight I ask you guys to consider just that. My heart melts for these foster children. I have children of my own. I have grandchildren. Again, we're not here for that tonight. I'm sure that will be another night. **Ms. Sparks** said one minute remaining.

Ms. Hobbs said tonight it's just about the rezoning and there is no need to rezone this property.

Mayor Garner asked, is there anyone else in the audience who would like to speak in opposition? Clerk, is there anyone virtually that would like to speak in opposition? **Ms. Sparks** said we have Kendra Parris.

Kendra Parris, 4040 N. 67th St., said I know one of the things that has really bothered me about this whole situation is being lied to at our very first meeting with Mr. Emanuels. He showed us on these nice pretty boards that he had made about these three phases of this project that he wanted to build. He had phase one, a phase two, and a phase three.

I do agree with the rest of the people that I have talked to today that we are here today about not getting him rezoned.

The other thing I'd like to share with you is that I sent an email in with pictures of the road that's crumbling in front of my place that has a 14 inch drop from the street to my yard. With a hundred and some extra cars coming multiple times a day, I'm worried that will break up even more.

The third thing is when we talk about safety, my husband had a massive stroke 11 years ago that left him visually impaired. He also is deaf in one ear and navigates his world in an electric wheelchair. He helps sometimes with chores with taking trash out to the curb. He likes to go visit neighbors, the neighbors that live by us—we've lived there for 28 years—knows Daryl before he had a stroke and after he's had his stroke. So, they are aware of him when driving up and down the street. When adding a hundred and some more cars going up and down the street, those people are not going to be as mindful of him when he's out and about in his chair.

That's all I have.

Ms. Sparks said there are no other hands raised.

Mayor Garner said we'll have closing comments from the petitioner, and then we have questions from the commissioners.

Mr. Spitsnogle said we heard a lot there. A lot of it—all of it we heard at the Planning Commission level. We did our best at the Planning Commission level to turn our cheek, turn our head the other way to a lot of it, but we were left a little puzzled why there was a recommendation of denial when 99.99% of the complaints are so irrelevant to anything presented to you tonight.

I want to just briefly talk about a few of them before I get into what seems to be the primary issue at hand, which is the road. First we heard an argument doubling down on the mental illness. Not proper. Shouldn't be considered. Foster children have a right to live in any community they chose, including even if it's in these people's neighborhoods.

The fear about runaways. These foster children, just like any other children and just like any other family, are going to be cared for by loving parents who will supervise them, not proffer to create fear.

Bus drivers. How are the kids going to get on the bus? They're going to be like any other kid in the community. They're going to walk down to 67th & Donahoo just like the current kids.

I heard a lot of, at least two, argue they were lied to because really Mr. Emanuels plans to build even more houses. There's a secret plan. This is just phase 1 of that and there's phases 2 and 3. Not true. This is the application you have before you tonight. This is the application. This is not a phased development plan of any sort.

Tax-exempt status. Not relevant. Internet service poor. Not relevant. Cliffs are unsafe for kids. Not relevant. I think that goes without saying. Trespassers on the property. Again, not relevant.

Let me get to traffic and 67th St. Everybody talked about the supposed traffic that Lightland is going to add but nobody addressed the fact that the Manions' International Auction House used 67th St. for at least 25 years when it was a fully thriving business. It's zoned C-1. Regardless if Manions' used it or not for their traffic, which they did, we have a right to use it for C-1 traffic.

Deer on the roads. It is a rural area. Drivers will be careful just like the current drivers are not to hit deer.

Spot zoning. Not a valid argument. We're decreasing the area of C-1 zoned area. We're adding R-1 in a community along a street with several other R-1 properties. That's not spot zoning.

Several owners/neighbors acknowledged, we know he can build what he wants. He doesn't need rezoning. We know it. Why are we even here tonight? I think that's an acknowledgement that we meet all relevant criteria and we urge you to follow that criteria. The golden factors, your staff's recommendation, stick to what your staff has outlined in their report. If we believe it's a solid ap, that will leave you to the conclusion that this needs to be approved. We ask for your vote overriding the Planning Commission.

Mr. Emanuels said at each of these meetings, there's been a claim that I've been changing stories. This application has been in place, I think, since March or maybe April. The application hasn't changed.

What has not been said tonight is a portion of the current commercial zoning is being downzoned to residential. So we are actually lowering the impact permanently from three buildings that are commercially zoned currently. Our plan and the location of the proposed road, requires that we remove one building, so we're going to de-construct one of the buildings and then we're keeping the building to the west as commercial and we're downzoning the current commercial building to residential.

I think the most relevant factor here is that your staff, highly capable, highly professional, have recommended approval and I would encourage you to do the same.

Mayor Garner said we have questions from our commissioners.

Commissioner Ramirez said thank you to everyone who spoke. Before I even ask the question, Misty, our Chief Counsel, in the beginning, applicant's counsel gave their arguments of why we shouldn't accept the denial. Can you rephrase that? I tried my best to follow along, but I got lost on their legal reasoning and argument.

Misty Brown, Chief Counsel, said I'm going to do my best to summarize the argument that was made. There was a lot to it. I'm sure the applicant's counsel can wave to me if I'm not getting it right. Essentially what he was saying was that their application is complying with the recommendations of staff, and that a lot of the reasons being set forth by the neighborhood group were discriminatory in nature and not proper to be considered for a basis of denial on this. He went through a series of some of the objections being made about the road and stating that it was essentially adequate for the use that the applicant is asking for.

Commissioner Ramirez said I'm going to take a minute. I'm going to let my fellow commissioners ask questions.

Commissioner Stites said here's what I'm going to say right off the bat. Things that were said here tonight were untrue. As a policeman for 25 years in KCK, that business wasn't a thriving business that had traffic up and down that road every night, every day. It's just not true. You had the gentleman who sat right here and said he owned it and most of the business was done out of a UPS truck or a FedEx truck. So that was untrue.

The lady said the traffic study—Gunnar, if you can help me with that. It was stated that it was an hour. Is that accurate like 9:45 to 10:45 is what I got from my records. **Mr. Hand** said the traffic study was conducted to set the baseline of the traffic study. The traffic count was conducted over a 24-hour period.

Commissioner Stites said so a 24-hour period. Isn't it typical that traffic studies take 7 – 10 days to establish a good car count? **Mr. Hand** said the traffic study followed both industry best practices as well as UG guidelines. **Commissioner Stites** asked, when we are asked—when other applicants have been asked to do traffic studies, we accept a 24-hour traffic study? **Mr. Hand** said it's different for each use and intensity of that use. For this use and intensity of this use, this was appropriate. **Commissioner Stites** asked, for 24 hours? **Mr. Hand** said correct. **Commissioner Stites** asked, was that done during a weekday or weekend? **Mr. Hand** said I believe it was done during a weekday. **Commissioner Stites** said it seems like we may need to look at that as a staff; looking into that because that doesn't seem to me like it's an adequate time to get a good car count.

Commissioner Stites asked, why was the protest petition denied? **Mr. Hand** said after review of the protest petition, it did not meet the threshold of the 20% of land area; not 20% of residents adjacent to it. Protest petitions are not based on the number of property...**Commissioner Stites** asked, how much did it miss by? **Mr. Hand** said I think it came in at about 18%. The threshold is 20.

Commissioner Stites said so originally, if I'm not mistaken, I was made aware about this and it was 30 homes were to be built, or the original proposal was 30 homes. Now it's down to 7. Is that not the case or maybe you don't know but the applicant can let me know.

Mr. Emanuels said I'm happy to answer that question. Before, regarding the Manions' traffic, I have an aerial here that I'm happy to pass through. It shows over 30 cars in the middle of the day. I don't know what the protocol is for that, but here's an aerial photograph. If you'd like to see that, I'm happy to pass it around. I have multiple copies.

Commissioner Stites asked, so that was during an auction or something or one day or was that a 24-hour traffic study? **Mr. Emanuels** said I don't know. No. It's an aerial photograph of the building showing multiple cars. That is the only data point we have other than somebody's opinion.

A gentleman in the audience said (inaudible). **Mayor Garner** said I'm going to ask for order, please. You can't speak out. All right. I'm going to ask again, this is the last I'm going to ask, when we have people speaking at the podium, you've got to be respectful of these speakers. Do not interrupt anybody speaking at any point. The sergeant-at-arms does have the ability to have you removed. Okay? We don't want that.

Mr. Emanuels said I'm happy to accept that the gentleman's comment that these are employees. There's a picture here of dozens of cars, excuse me, I don't want to exaggerate, I counted 35 cars. So, here's this if somebody wants to review that

Regarding the 30 homes, a year and a half ago when we originally started talking to neighbors and we had our plans, given the large amount of land, we thought that we could put several homes up on the property.

Commissioner Stites asked, what does that mean, several homes? Like putting in 30? **Mr. Emanuels** said well, we were designing. I don't remember 30, but we...**Commissioner**

Stites asked, 29? **Mr. Emanuels** said allow me to finish, please. We had multiple plans and the one that we presented approximately August of 2021 and we had our public meeting, I believe we had 13 homes along the main ridge line on the property. During that meeting, I was asked what denomination I was from. I thought that was inappropriate and I didn't answer that question very well. I thought it was an out of context question. But during that meeting, it was clear that the neighbors didn't want that many homes. So we sunsetted that application and then came back that winter, I believe it was March, and we submitted the current application, which has not changed since that day.

Commissioner Stites said so these homes would all be on septic, right? **Mr. Hand** said that is the proposal, as we understand, yes. **Commissioner Stites** asked, what's our requirement for an acre, for a new home to be on septic? **Mr. Hand** said most of Wyandotte County it's required to be at least one acre. In this portion of Wyandotte County, it's required to be at least three acres.

Commissioner Stites said so, currently, the way this proposal is made right now, is there anything that prohibits the applicant from doing exactly what they're saying they want to do? If this zoning doesn't change tonight, they can move forward and do exactly what they propose. Is that correct? **Mr. Hand** said the applicant could use the current A-G zoning to divide the property into five acre equal parcels at their discretion, yes. **Commissioner Stites** said I absolutely do not see a reason that we need to change the zoning. That's all I have.

Mr. Emanuels asked, may I address the comment about the why? **Mayor Garner** said not unless he asks the question in that regard. **Mr. Emanuels** said okay.

Commissioner Bynum asked, Mr. Hand or Chief Counsel Brown, can you share with us the statutes or ordinances or policies that create a community-based planning and zoning board and why such a board exists? What's their function? **Mr. Hand** said yes, I can. **Commissioner Bynum** asked, is it a statute? **Mr. Hand** said, Commissioner, you're referring specifically to the City Planning Commission? **Commissioner Bynum** said correct. **Mr. Hand** said it looks like Section 27-19 in the Zoning Code creates a Planning Commission of the Unified Government. Such Planning Commission shall consist of so on and so forth. The chairman, sorry, I might be

missing it, commissioners. But, again, it's based on state law reference Planning Commission authorized by Kansas State Authority 12-744. It goes into meetings, chairman's record, mileage reimbursement, comprehensive plan. It doesn't have any statement of... **Commissioner Bynum** asked, is it grounded in state statutes that local municipalities would have a planning board, a planning council? **Mr. Hand** said yes, as per Kansas State 12-744.

Commissioner Bynum asked, Chief Counsel, is it safe to say that there would be some reason why state lawmakers and city council people would find that appointing a local planning and zoning board would be beneficial in planning efforts? **Ms. Brown** said yes, Commissioner. I think it would be safe to say that state statute anticipates that local governments would maintain control of local affairs. Patrick Waters, Deputy Chief Counsel, has come forward. He has been attending. He did attend the last Planning and Zoning session when this matter came up. If there's specific questions that the Commission would like to ask?

Patrick Waters, Deputy Chief Counsel, said, Commissioner, the only thing I would add is that cities are not required by state statute to establish a planning commission, however, if they do, they are then required to follow the procedures that we follow in terms of holding an additional hearing, considering the recommendation, and they have to follow the steps in terms of how many votes it takes to overturn. So, not required; but if you do, state law sets out steps you have to take.

Commissioner Bynum said okay. That's helpful. What's in my mind is I suppose if we had a director of urban planning and we left decisions like this to staff, then there would be no need for that planning board or perhaps even this board to ratify those decisions. I mean, I don't want to stretch it too far, but I feel like there's a reason why we insert the community's voice in at both that level and this one.

Mr. Waters said it provides an additional layer of review. I will say the recommendations of professional staff is a golden factor. So, when staff makes a recommendation, that should be part of your consideration. It's not the only factor, but it is one. **Commissioner Bynum** said it's one of multiple factors to be considered as we mull over decisions that are being brought to us.

Commissioner Bynum asked, are there times, in your time here, that this body has overturned or not agreed with a recommendation from staff? **Mr. Hand** said yes, a couple of times.

Commissioner Bynum said I will say that I'm well familiar with the area. I know the area well. I knew the area when Mr. Tucker owned it and ran the auction house. I knew the area, know the area from when my spouse grew up there, roaming around in that entire area. I suppose that we shouldn't take into consideration some of the concerns about terrain, river bluffs, etc., as somehow not relevant. They seem relevant to me.

Commissioner Bynum said the other thing that I ponder a lot as we've watched the application make its way forward and move toward us is many of us here serving on this body have spent 9 or 10 months in vary specialized task force meetings around what I can only call daunting infrastructure needs of this community and our constant and continual conversation around how on earth we would pay for those. We're fortunate that in this last budget cycle we were able to find a little bit of additional funding for the really critical infrastructure needs of our community. We know that from multiple community surveys that maintenance of city roads pretty much lands in spot #1 year over year. We listened to that. The community has repeatedly told us that and we listened to that and tried to add some funding for that. I'm grateful for that.

But one of the things that we've talked about within our subcommittees around these infrastructure issues is additional development creates additional infrastructure that needs to be cared for by us, as the responsible party for allocating the money, and all of the taxpayers. So, we do have a proposal here for a development in a pretty remote area that I think does add infrastructure burden.

Commissioner Bynum said I did want to confirm, Mr. Hand, if I heard you answer Commissioner Stites' question correctly. The zoning, as it is right now, which is Ag and C-1 Limited Business, would allow for the project as it's desired and laid out for us tonight. I just need to make sure I understand that.

Mr. Hand said if the applicant were not to seek a rezoning, they would still have to go through a public review process for the preliminary and final plat. They'd still have to go through a public review process for a plan review for the church. So, there are other entitlements that still need to happen after this change of zone, if it were to move forward, and there would be other entitlements that would still have to happen if it were to maintain the zoning.

Currently, the parcel is what we'd call a split zoning. There's both C-1 and A-G zones in a single parcel, which is bad planning practice. But we worked with this and all other applications with split zoning to make sure that those zones are single to a parcel, which is good zoning practice.

Commissioner Bynum asked, either other way that could be corrected? **Mr. Hand** said yes, well, not exactly because the change of zone—well, I guess it could because you could make the existing C-1 its own parcel. It would be weird looking, but it might include requiring some variances of that nature, but yes. **Commissioner Bynum** said okay.

Commissioner Ramirez said this question is for either Chief Counsel or Mr. Waters since you were there for Planning. You may not be able to answer in an open meeting because that might be attorney/client privilege. If we were to accept denial, is there any legal implications that could be placed on us?

Mr. Waters said, Commissioner, I don't want to say one way or the other. We would defend the Commission's decision that it placed. I defer to you on that. I guess the one thing I would ask, I don't know if this has been stressed enough is that in terms of the additional traffic, we need to compare that additional traffic to what any other commercial use on this site would generate because way back when the city zoned this area commercial and allowed for certain commercial uses, so when making your decision, whether it's in favor or denial, I just want to make sure that point is clear that this parcel is allowed commercial use. When we're talking about the traffic generated, we need to think about what any commercial use that is allowed in this zoning would generate, and not just the baseline of zero because the auction house is closed now. Compare it to a church, the proposed use of a church versus any other commercial use. There are a variety of other factors that you can consider. I would just urge the Commission to look at all the different factors in the staff report and make your decision based on that.

Commissioner Townsend said a couple of questions for staff, but before that, I'd like to thank everyone who spoke and given more insight apart from the information found in our homework package. So, the question I have either for Mr. Hand or Mr. Waters, let's say that the change of zone does not go through; however, we've heard any number of times already that Mr. Emanuels could chose to build the homes and care for the foster kids that he so obviously feels for. I

appreciate what you do with that. Let's say those seven homes are built and after a while, one of the things I'm thinking about is those who oppose it for some good and some so not good, in my opinion consideration, see what would happen. Could Mr. Emanuels then come back and ask for a change of zone? Let's say that some of the parade of horrors don't occur and the neighbors say it's not as bad as we thought. Could Mr. Emanuels come back and then seek the change of zone?

Mr. Hand said if the Board of Commissioners decide to follow the recommendation of the Planning Commission and deny the change of zone tonight, he would have to come back in a year, or within a year, have a substantially different project to be heard. Code requires a year delay after denial. But to your point, hypothetically, if it was denied this evening, he could come back for the other entitlements described earlier and proceed accordingly. Again, staff's recommendation would be to not create a weird-looking parcel based on the current zoning, or a split-zone parcel of C-1. That would require its own variances and other issues. That's also bad planning practice.

Mr. Waters asked, Commissioner, were you asking that if he built it out under his current zoning, could he come back for additional development later with a change of zone? **Commissioner Townsend** said yes. **Mr. Waters** said I believe it's so, Gunnar, correct? **Mr. Hand** said that's true.

Commissioner Townsend said what that seems to me, hearing both sides, it gives Mr. Emanuels his heart's desire with regard to homes that these kids could be taken care of in a familial setting. It also gives those who are opposing an opportunity to see what the situation is really like. Maybe it's not as bad as you think.

I do think some of the considerations that you raised are not really before us to deal with. Mr. Emanuels or those who would be in the home, would have the responsibility of looking after the safety and wellbeing of those kids, just as you do with the kids in your home. So, that's not really before this body, as I said.

But it sounds like Mr. Emanuels could come back. He can proceed to do the seven homes and then come back and ask for the change of zone. That gives people time to see on both sides what's really happening, whether the traffic amounts are as much or as little as the study says or not. I'm inclined to follow the recommendation of the zoning plan and to deny it.

Mr. Hand said the Planning Commission's recommendation for denial was based on the width of the street, lack of infrastructure, and the proposal does not fit the character of the neighborhood. None of that changes if he tries to come back and split the parcel in two with x number of parcels again for development.

Commissioner Townsend said okay. I hear what you say, but it still sounds like they can build now and come back later. That's what I'm understanding from what counsel said. It may not be the prettiest thing or the easiest thing, but it sounds like that can be done legally.

Mr. Hand said again, they would still need entitlements to split the property. They'd still need entitlements for the church plan review.

Mayor Garner asked, are you good, Commissioner Townsend? **Commissioner Townsend** said for now because I think my colleague, who's district this is, is ready to make some statements.

Commissioner McKiernan said lots to take in here. I have a lot of questions. I don't want to necessarily confuse the issue further, but here I go. I have heard here tonight that the applicant could accomplish everything he wants with the current zoning. That is what I have heard. If that is true, why couldn't you downzone the C-1 to A-G, make it a uniform parcel, that uniform zoning and accomplish all the stated goals?

Mr. Hand said hypothetically yes, that could happen. As I understand it from the applicant, they wanted to maintain the C-1 zoning on the property. **Commissioner McKiernan** said I guess I'm not clear for what benefit to maintain that because it could not contain all of the desired development. **Mr. Hand** said again, in discussions with the applicant, it was our understanding they wanted to maintain that as an option for the property. **Commissioner McKiernan** said all right. Thank you for now.

Commissioner Davis said thank you all for coming and sitting through this. We're at 10:00. With this being my district, and I think even before I was a commissioner, I was on your property, the Emanuels, and seeing the neighbors and kind of feel like we've been on this journey together. It keeps going. My recommendation, it won't let me go back. Legal, I have a question. Could we hold this over? By holding this over, not necessarily send it to the Planning Commission, but

send it back to us, the full Commission next month. Is that even a possibility for this denial? **Ms. Brown** said yes, Commissioner. You could hold it over for another month.

Commissioner Davis said I'm leaning toward holding it over so that we, as the entire Commission, can get on the same page. I think we have various opinions and ideas, and we need to kind of huddle up with Legal. We need to huddle up with our Planning Department and we need to get on the same page before we make a decision. I also recognize that we have a very robust agenda ahead of us. So, I'm going to make a motion to hold this over for full Commission for our next Planning meeting for October.

Action: **Commissioner Davis made a motion to hold this over for full Commission Planning meeting in October.**

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

Commissioner Ramirez said I'm in a position. I don't know what to do at the moment. That's where I'm at. I do agree with what Commissioner Bynum and Commissioner Stites have mentioned and others of them being able to do the development on their current zoning. I do agree with that. Our Planning Department has agreed and said that it can be done. I'm just hesitant on the implication, possible, maybe, might not be, possible implications of us accepting the denial from Planning. That's just my only hesitant or where I'm holding off on.

So, I—this is, I will say, this is a hard one. I've never been this speechless where I don't know what to do because I hear everybody. I just want that said. I hear everybody. I hear the concerns. I hear the neighborhood. I hear both sides. I'm just trying to synthesize all that information to the best of my ability at the moment. So, forgive me to my fellow colleagues. I'm just trying to get everything connected.

Commissioner McKiernan said a moment ago, Mr. Emanuels, if you could come back up to the podium, please, or the lectern. A moment ago when I said I am being told that the applicant can achieve everything he wants with the current zoning, you shook your head no. Please tell me why you cannot.

Mr. Emanuels said thank you for the opportunity. Currently, the way the structures are, there's the old office building and then there's the warehouses. One of the reasons why we're maintaining the commercial zoning and the office building and downzoning the zoning in the warehouse building is, it's a legal non-compliant distance between the buildings. So, one of the feedbacks when we had our original meeting and we heard from everybody about all these variances, we came back and said hey, let's—the only variance that we could not get rid of was the length of the road so we went with that and it was approved. We had three other potential variances that we dropped. How we dropped them was by this rezone so these two buildings could co-exist and we don't have to demolish one.

The other issue is, my understanding, **Mr. Hand**, is once you subdivide a property, you're cooked for a certain period of time. You can't subdivide a property in 2022 and come back in 2024 and subdivide it again. Is that accurate? **Mr. Hand** said you would just have to replat it. **Mr. Emanuels** said but you'd have to have a site over 20 acres or something. You can't subdivide down to a certain level if it's 20 or 40, I forget the number, then you can come back and do that again. But my understanding, for example, if we subdivide to 15 acres, to your point, we can't come back and make that three 5-acre lots within a reasonable amount of time. **Mr. Hand** said I think you can come back and replat it. **Mr. Emanuels** said okay.

Commissioner McKiernan said hang on just one second here. It finally sunk in here. You're breaking the C-1 and turning part of the C-1 into R. **Mr. Emanuels** said correct. **Commissioner McKiernan** said you're already messing with all the boundaries that are already there. **Mr. Emanuels** said per recommendation, yes. **Commissioner McKiernan** said okay. Somebody please explain to me why that approach was taken.

Mr. Hand said again, there might be some confusion here, but we were told to maintain—yes, it was a BOZA issue. We always try to design out of additional variances if we can. But technically, the applicant said they wanted to maintain the option of commercial zoning on the property.

Mr. Emanuels said the purpose for the commercial zoning is so that we don't have a variance. I'm fine with having that office building being agriculturally zoned because we're going to put a church in there. Yet, my understanding with a variance application is that if that's denied, there's no recourse for coming back and talking about it again. You're done at that point.

So, there's a risk to us to apply for the variance given the energy, the opposition. Let's limit variances and we have an office building, historically used as office. It's just an office building. Let's keep that commercial. We can use that as a church and then downzoning. So we're taking a portion of the current C-1 zoning and downzoning it to residential. So the benefit to the county there and to the residents is that when I'm dead and somebody else owns the property, there won't be a commercial use in that other building that currently can be. So I'm actually offering a benefit in that matter.

Commissioner McKiernan said, Gunnar, I guess I would ask, and I don't know if we can put the map, up but this appears to be part of the section that is labeled 6 in the map we were given.



This would be on page 23 of the staff —yes, right there. That's correct. So 6 would stay C-1. **Mr. Hand** said correct. **Commissioner McKiernan** said 1, 2, 3, and 7 and everything else besides 6, would go R-1.

Mr. Emanuels said not correct. 1, 2, 3, and 7 is residential R-1. 4, 5, 8 remain agricultural.

Let's keep going with this idea that we can develop it anyway. The reason why we were going with this method is the agricultural zoning requires a certain—to make a single-family lot, requires a certain width and dimension. We can do that but what happens is that we have to take the road out farther. To get the same number of parcels, we have to take the road out farther which is, in my opinion, a waste of money. It also, to the neighbors' valid point, we want to preserve as much of the beauty of it as much as possible. We've taken that road farther to the

east there is unnecessary because what you have there is a non-dense 3 – 40-acre parcels there. It's low impact. It's well designed. Mike did a great job doing that.

So there are reasons. I think technically, sure, we can go divide it up, but I think it's going to be worse. I think this shortens the road, shortens environmental impact. We're using two existing buildings, we're demolishing one, and we're adding six residences on three to, I forget how big the lot size is.

Commissioner McKiernan said thank you. I do not have any more questions at the moment, but somewhere down the road I will.

Commissioner Stites asked, can everything be done if this was all changed to Ag? That cleans up the split zoning. It could go to Ag and it's not an issue, right? **Mr. Hand** said that's correct. The church can be in any zone.

Mayor Garner said I know we have a motion. Before I ask for a second on the motion, the traffic study, can you explain that a little better for me, Mr. Hand, how we came to—I know it follows up with Commissioner Stites' question. I left kind of confused on the viability of that traffic study being used as part of this conversation.

Mr. Hand said to give you the full story, in July, the Planning Commission recommended a holdover for 60 days in order to complete a traffic study because at that Planning Commission hearing, there were concerns about traffic on 67th St. The applicant agreed to that. They used their consultant to draft a traffic analysis. That was reviewed by the County Engineer and a third party traffic engineer consulting firm called Benesch. In their review, the study itself did meet both industry standards, it's called ITE, as well as UG guidelines for this specific use in this context.

Essentially, what they found in the traffic count is there were about 40. Currently, there's about 40 trips per day generated by existing uses, the 12 or so, less than 12 or so homes on the north of Donahoo on 67th St. When you take the most conservative, i.e., the highest number for a proposed church plus these 7 additional units, you go from 40 to about 196. So the proposed use has an average daily count of about 156, so approximately 200. This is a local road and by industry standards, a low volume road.

I mentioned some of the ranges in my initial comments. A low volume road is no more than 400 average daily trips per day. So, again, a jump from 40 to 156 certainly sounds like a lot to a lay person, but, again, it's well under what this road can accommodate from a traffic standpoint. Again, I think that's also why the Planning Commission didn't say they denied it because of the traffic study. They denied it because of the infrastructure and the width of the road itself. I can go on if there's more specific questions.

Mayor Garner said no.

Mayor Garner asked, Commissioner Davis, could you reaffirm your motion? **Commissioner Davis** said yeah, I can restate it. My motion was to hold this over until next month for full Commission's consideration. That was my motion.

Commissioner Stites said I just have one more question and I had it on my list and it's kind of late in the game, but I just want to know for my own information. So we talked about the 7 or up to 30 homes. Who's going to occupy the homes other than the children? Who's watching? Who's the adults? That's the part I never heard from the presentation. I know that we said the homes are going to be for foster kids and such, but who, I mean, who's occupying these 7 to 30 homes?

Mr. Emanuels said the application is for 7 homes. There is no application for 30 homes. I'm happy to answer your question. Before I do that, if that goes all Ag, the concern of the road doesn't change. **Commissioner Stites** said no, I don't mean to interrupt you, but that's not my question. **Mr. Emanuels** said I understand, but you made a statement that why don't we just go all Ag. **Commissioner Stites** said that's not my question. **Mr. Emanuels** said all Ag is...**Commissioner Stites** said that's not my question. Can we call a point of order. **Mayor Garner** asked, sir, can you let the commissioner ask his question, please? **Commissioner Stites** said I asked the question and the question was, what adults are going to occupy these homes?

Mr. Emanuels said they're going to be single families with blended families, blended children. So they may be parents or parent with foster children. It may be a parent or parents with a blended family of their own biological children plus foster children. It may be a family that has their own biological children; they may have some step-children and they may have some foster children.

Commissioner Stites said so that could be somebody that doesn't even have step-children or foster. I'm sorry, I didn't mean step; foster kids. They're going to be somebody, I mean, what it sounded like there, it could just be somebody that moves in there and not really utilized for a foster child at all. **Mr. Emanuels** said what I can commit to is that they will be single families, legal use of single families. We intend to use the property to facilitate lower trauma in foster children by supporting foster parents.

In the future, we may have a single family live in there that's not, but that's our intent. The application before you is single-family lots, single-family homes, and any legal use that would be a part of that. **Commissioner Stites** said which could mean that if you wanted to rent them out, you could rent them out...**Mr. Emanuels** said sure...**Commissioner Stites** said just put them on Marketplace and say hey, I've got a home for rent. **Mr. Emanuels** said sure. **Commissioner Stites** said and come and rent, right? **Mr. Emanuels** said yeah. We can sell them, we can...**Commissioner Stites** said we're kind of getting a little bit off the track that it's for foster kids. **Mr. Emanuels** said no. The application...

Commissioner Stites said so the question I have after that is, where do these families come from? How do you market? How do you go after the ones that are to be used for foster or rental or homes? **Mr. Emanuels** said we will connect with current foster parents in the Wyandotte County area that desire to come alongside us in this journey.

Commissioner Stites asked, are you saying that there's a market out there right now for adults to say I want to come and live at your place because I don't have a home or whatever that may be, their situation; and while I'm getting myself lined out, I also want to take on foster children? **Mr. Emanuels** said I don't know if you meant to do this, but it sounded like you were implying that they're not stable. **Commissioner Stites** said no, I'm asking if that's what you're trying to bring. **Mr. Emanuels** said no. **Commissioner Stites** asked, who's not stable?

Mr. Emanuels said in my imperfect vernacular, we will be looking for varsity foster parents to come into this community, occupy the homes, and care for foster children. The church supports them with community. The church also goes out, their outreach, it's a Christian church, with the outreach, reach into the community to form what we call care community. So, your Wednesday night group adopts the Smith family, not technically, but they connect with the Smith

family and commit to supporting them so that the average length of stay with the foster children extends.

Currently, approximately 90% of foster parents quit after a year which causes the average foster children to have six placements before they age out or go home. So, we're going to break that by deploying care communities with foster families on this site and throughout the region.

Commissioner Stites said at one of the presentations, was the statement made, and definitely correct me because I was not there, that the church would own the houses and that there would have to be a credit score of 700 to occupy the houses. **Mr. Emanuels** said, yes. The current boundary we have is—what we don't want to do is invite foster parents into this situation that are unstable. We're trying to take...**Commissioner Stites** said so now you're the one saying unstable. That wasn't me. Go ahead. **Mr. Emanuels** said fair enough. We're trying to create stability so we have to have perimeters. As we recruit families to come into this situation, we have to have perimeters that would indicate stability.

Commissioner Stites asked, so the 700 credit score would be a pre-requisite so that they could then purchase the home away from the church? **Mr. Emanuels** said no. It's an example of a mechanism we could use to screen for stability. In other words, we don't want to...**Commissioner Stites** said so people with low credit scores are unstable? **Mr. Emanuels** said what we don't want to do is recruit foster parents that are financially challenged and create an unstable situation for the foster children, yes. **Commissioner Stites** said I appreciate that.

Commissioner McKiernan said, Gunnar, I apologize. I honestly read this bad boy and I thought I understood it, but I'm now getting just a little bit deeper. Let's look up here. So I've heard tonight maintain what's here as parcel 6 for a church and a parking lot and build 7 homes beyond that. Now I only see—so then there would be a home on 1. I assume 1, 2, 3, 4, 5, 6, 7, and 8 are all parcels then that would be carved out of the larger parcel.

Mr. Hand said yes, but that does still need to go through a preliminary and final plat, right? So, they've written their descriptions to match what their future proposed parcels are. So this is not technically a plat, right? **Commissioner McKiernan** said correct, but these are the proposed parcel boundaries somewhere down the road. **Mr. Hand** said potentially, yes.

Commissioner McKiernan said so I only see six parcels up there that aren't number 6, except that giant number 8. So, 1, 2, 3, 8, 7, 5, and 4 all get homes and 6 stays the commercial building. Then help me understand why 1, 2, and 3 now end up being; 1, 2, 3, and 7 end up being R-1, yet homes are going to be built on 4 and 5, but they stay Ag. Help me understand that.

Mr. Hand said the applicant drew the parcels to best meet what they need. I think that what we're seeing is the R-1 zoned parcels are zoned R-1 because those ended up being less than five acres and they did not want to pursue a BOZA, accordingly. So they ran with the change of zone as opposed to a change of zone and additional BOZAs, if that make sense.



I think the change of zone was always going to happen because the way it is currently zoned is going to change. So, to change that to a different size C-1, they need a change of zone. From there on, it was a factor of trying to reduce the amount of BOZAs, accordingly, so they went with R-1. We were okay with that because if you look at the larger area, let's just say Donahoo north, north of Donahoo, there are R-1 and A-G zoned parcels; many of them legal non-conforming that range from less than 1 acre to 100 acres. I'd say the average is probably 5 – 10 acres. So it's not out of the character of the neighborhood to have this type of mix of zoning.

Commissioner McKiernan said I'm sorry. Help me understand. You just said legally non-conforming, which means used to be and as things change, help me understand why we're going to create non-conformity. **Mr. Hand** said we're not. We're creating things that meet the zoning code like it shows.



Again, we're looking at essentially everything north of Donahoo. For instance, this is a less than 5 acre zoned A-G lot that's legal non-conforming. So, there's a lot of legal non-conformance on the block just because of unification, change of zoning standards, things of that nature. We have no issues with those legal non-conformances, but again, that's the character of the neighborhood.

Commissioner McKiernan asked, can you go back to the other page, please, that shows the potential parcel boundaries?



So, in 6, the one building that's there stays; and 7, one of the two buildings that's there goes away. So, you're going to build a residence—I guess that's a garage for the residents.

Mr. Hand said the applicant seeks to turn the barn into a home, so kind of like a barndominium.

Commissioner Bynum said I just want to make sure I understood a couple of things about the traffic and the volume that you said a little bit ago. A low volume road, I think, based on Urban Planning, a low volume road would be under 400. **Mr. Hand** said based on industry standards, the ITE standards that the traffic study was developed based on, including UG guidelines.

Commissioner Bynum said and the 400 is? **Mr. Hand** said 400 is average daily trips. **Commissioner Bynum** said average daily trips. **Mr. Hand** said ADT.

Commissioner Bynum this in this case, I guess based on the study that was done, I'm just wanting to make sure I heard it right and I'm saying back correctly. Average daily trips would go from 40 to 156. Is that what you said? **Mr. Hand** said 40 to 196. It's an additional 156 trips per day is what the traffic study projected. **Commissioner Bynum** said would go from 40 to 196. **Mr. Hand** said correct. **Commissioner Bynum** said and it's still considered low volume at that average daily trips. It's more than I thought because I thought it was 156.

I live in a fairly rural area and if traffic by my driveway increased not fourfold, but fivefold, regardless of whether industry standards thought that was still a low volume road. it would certainly be impactful to me. In my opinion, it would certainly change the character of where I live. If traffic on my road increased fivefold—I'm sorry. I don't mean—I'm not—I'm looking at you just because I'm talking to you, but I'm not accusing you of anything. But, for me, a fivefold increase of traffic where I live would be impactful.

Commissioner Townsend said I just call for what our status is. I know there's a motion at one point. Do we look for a second or not so there may be other motions that would want to go forward?

Mayor Garner said we have a motion to basically table this until next month. I would assume it would be at the next Commission meeting to be decided in October. I need a second. (Commissioner Davis's motion to table this item failed for lack of a second.)

Commissioner Townsend said I move to accept the recommendation of the Planning Committee.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Stites, to approve the denial of Change of Zone Application COZ2022-015, based on the Planning Commission's recommendations for denial.**

Ms. Brown said if I may, Commissioner Townsend and Commissioner Stites, I guess I'll direct my question to Commissioner Townsend. Could you please articulate your reasoning for

accepting the Planning Commission's recommendation which is essentially for denial, for the record. **Commissioner Townsend** said shortly stated, for the reasons that they provided and for my observations here today. I hope the applicant would explore going ahead with what he wanted to do. This will indeed give time for the community to see maybe things aren't as bad as they are or his desires are filled, but I am making that recommendation based on those things set out by the Planning Commission.

Ms. Brown asked, Commissioner Stites, is your second appropriate based on what Commissioner Townsend had articulated? **Commissioner Stites** said yes, it is. I think the only thing I'd like to add to that is that traffic study. I'm not trying to change your motion or not, but that's in addition to or minus any type of a church being built. So I would image that traffic then increases that number from 200 on. I'm not trying to change the motion. So to answer your question, yes, I second Commissioner Townsend's motion the way she stated it.

Ms. Brown said before we have the roll call, Mr. Hand has alerted me something that you would like to note for the record. **Mr. Hand** said just to clarify, the traffic study does include the church.

Mayor Garner said we had an original motion from Commissioner Davis. There was no second. There was a motion from Commissioner Townsend, seconded by Commissioner Stites, to follow the recommendation of the Planning Commission. Is there any further discussion? Roll call, please.

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

Mayor Garner said (at 10:11 p.m.) that is the end of our Planning and Zoning agenda. I'm going to give us about a 10 minute break to give our commissioners time to gather themselves.

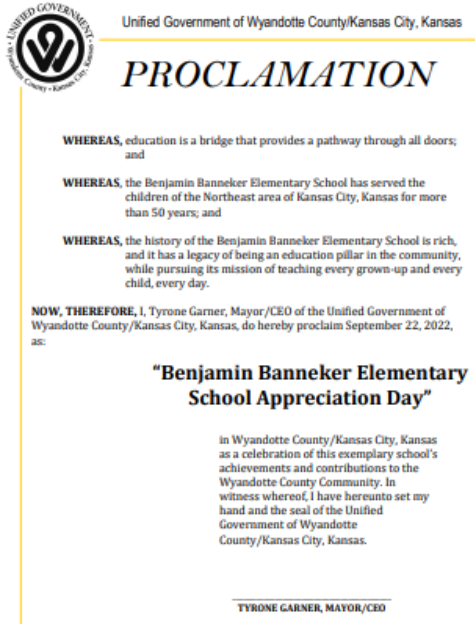
Mayor Garner said (at 10:25 p.m.) we're going to reconvene. At the conclusion of that Planning and Zoning agenda, we're going to move on to our regular portion of our agenda.

MAYOR'S AGENDA

Mayor Garner said there are several proclamations. I'll turn it over to the Clerk and she will announce those.

Item No. 1 – 211000...PROCLAMATION: BENJAMIN BANNEKER ELEMENTARY SCHOOL APPRECIATION DAY

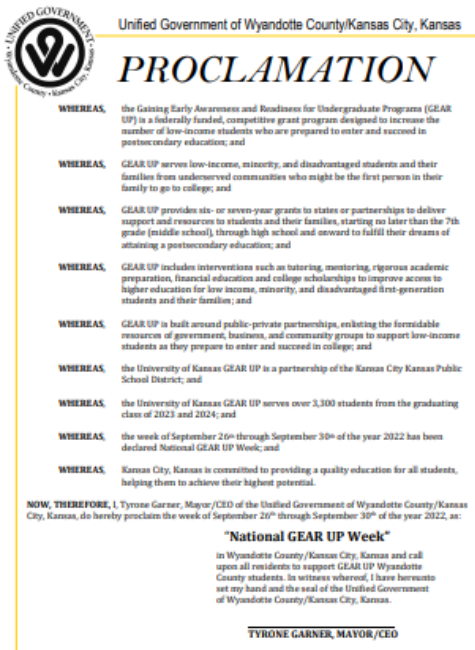
Synopsis: Proclamation proclaiming September 22, 2022, Benjamin Banneker School Appreciation Day, submitted by Tyrone A. Garner, Mayor/CEO.



Action: The proclamation was read.

Item No. 2 - 212999...PROCLAMATION: NATIONAL GEAR UP WEEK

Synopsis: Proclamation proclaiming the week of September 26th through September 30th as National GEAR UP Week, submitted by Tyrone A. Garner, Mayor/CEO.



Action: The proclamation was read.

Item No. 3 – 212004...RESOLUTION: MARIJUANA POLICY DEVELOPMENT

Synopsis: A resolution expressing support for developing a policy that addresses education, prevention, and treatment surrounding the possession of marijuana and drug paraphernalia and the sentencing for those offenses, submitted by Misty Brown, Chief Counsel.

Mayor Garner said I'll turn it over to our Chief Legal Counsel for comments.

Misty Brown, Chief Counsel, said this is a resolution for support for the development of a policy surrounding the education, prevention, treatment of marijuana and paraphernalia, as well as looking at addressing the penalties for those who are convicted of a marijuana related offense.

This began when the Mayor convened a group of interested individuals to discuss the issues and how it is affecting citizens of Wyandotte County. Representatives from the Health Department, Police Department, the DA, Dr. Edwin Hill, Pastor Rick Behrens, and others, and also Municipal Court, participated in this discussion. What started out originally with the intent was to look at de-penalizing some of the aspects of marijuana and paraphernalia. It became clear that more work was required, and that a larger issue was at stake. All of those stakeholders

recommended that we look at a policy that would address the other aspects such as the education, treatment, and prevention.

So what you have before you today is a resolution of support to go forward and do additional work to come back with policies that addresses those particular issues. I would stand for any questions.

Commissioner Ramirez said I completely 100% support this resolution. I offer to you, Mr. Mayor, and all the other members who are part of wanting to do this, for my task force, you can use it as community engagement, a sounding board as you develop this policy. I would gladly offer that. **Mayor Garner** said thank you, Commissioner. I believe that was the plan.

Mayor Garner said I had one more. Chief Legal Counsel, could you hit on those other items, just topics for conversation, that could be included in this when you talk about expungements and some of those other areas, and why this is so important; just taking the recommendations from that panel that was brought together when you talk about the first, second, and then what the third implications of being in possession of marijuana would do. If you could just clarify some of them.

Ms. Brown said yes, Mayor. I'm happy to do that. What was originally discussed and talked about was reducing penalties for a conviction so as not to be overly burdensome for those folks in our community. However, it came out that while someone might receive a penalty here and it would be in the discretion of the court to give something small such as a \$10 fine for a first or second possession of marijuana. The problem is a third possession, it technically would constitute a felony. If somebody thought it was a minor offense, they would just plead to it and be done with it; and then found themselves getting caught with marijuana in another district, they could find they have a felony conviction on their record.

So it was quickly determined that what was needed was an education, prevention, treatment, as well as other items to help remedy these possible consequences for folks in the community; and to also look at possibilities for diversion, expungement, and other things so that

a conviction of a marijuana offense wouldn't necessarily ruin someone's whole life before they even got started.

Commissioner Davis said I absolutely support this. I do think that we probably should consider either a resolution or adding it to our legislative agenda. Missouri is going full-blown legalization. That is going to have an impact on our community. I am on record and remain on record that we need the state legislators to get moving on this. I would hope that there'd also be some conversation of getting our state partners to get moving on this as well. Yes to the education piece. Absolutely to the legal piece. We also, I think, need to get moving on full-blown legalization because that is where our country's headed. It's where Missouri is headed. It's where our neighboring state, Colorado, is already at. I think that piece would also be very important as well to consider. But I absolutely support this.

Mayor Garner said just as a note of interest, for anybody who wants to do any research, I know we've gotten information from the city of Wichita, their council/commission. Their elected body has moved to remove some of the major penalties involved with marijuana. So, here in Wyandotte County, I know that under Commissioner Ramirez's leadership, with his task force, hopefully we can find something that would be suitable for Wyandotte County.

Mayor Garner asked, are there any other questions or comments from the Commission or from the Chief Legal Counsel in that regard? I'll entertain a motion for approval for the resolution.

Action: **RESOLUTION NO. R-56-22**, "A resolution of support for the review and development of a policy relating to the education, prevention and treatment of possession of marijuana and drug paraphernalia and sentencing for such offenses."
Commissioner Ramirez made a motion, seconded by Commissioner Davis, to adopt the resolution. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 – 212005...RESOLUTION: MUNICIPAL JUDGE APPOINTMENT

Synopsis: Municipal Court selection process and a resolution appointing the Municipal Court Judge, Division 1, for the term of four years, submitted by Misty Brown, Chief Counsel.

Mayor Garner said the final three candidates for this position are here this evening for their interview. The Judicial Nominating Commission provided these three questions that will be presented to each candidate. Upon conclusion of the candidates' responses, each commissioner will be provided with a ballot. Our Chief Counsel, Ms. Brown, will instruct the Commission regarding the procedure for completing the ballot.

At this time, I'll turn it over to Ms. Brown, our Legal Counsel. If you could, Ms. Brown, could you let them know how we got to this point, the role the Mayor had, and then the role of the commissioners, and then what took place from there, and then any further comments you have in that regard.

Misty Brown, Chief Legal Counsel, said to begin, with the way our city ordinance is set out and they govern the appointment of the Administrative Judge as well as the other Municipal Court Judge, and the way the code specifies is that the contracts for both judgeships—right now we're discussing Division One. It runs October 1 and it ends September 30th, four years later. So tomorrow is the final day of the current contract for the Municipal Court Judge. Our ordinance states that upon affirmative recommendation by the Mayor, that contract could be renewed. In this instance, the Mayor chose to reopen the process. The ordinance also specifies that a Judicial Nominating Committee must be convened at that point.

The Mayor convened a Judicial Nominating Committee that's composed of Commissioner Burroughs, Commissioner Kane, and Commissioner Markley. The position was posted and the resume—we received eight applications that came in. The Judicial Nominating Committee then convened. They were provided copies of the resumes. They convened. They had reviewed the resumes and based—due to the short timeframe and the applications that they received from that, based on experience, they selected three candidates to bring forward to the full Commission.

So based off of that process set by our codes, tonight we do have three candidates available here to interview. The committee formed three questions that they will ask each candidate. The

other two candidates are remaining in the lobby and cannot hear the questions, so it will be a surprise for each one.

At the conclusion of the interview of each candidate, the Commission will vote on who to appoint for the Division One judgeship. I've passed out ballots in advance that lists all three candidates' names alphabetically. At that time, the Commission will be asked to rank their candidates in order of preference. One being the first. There are three candidates. This is a consensus recommendation. So I will gather the ballots up. If one candidate receives six first place rankings, that candidate's name would be placed in the resolution appointing them to Municipal Court Administrative Judge position beginning October 1 of this year until 2026.

Mayor, Commissioner Burroughs and Commissioner Markley are here if you would like to have them fill in anything else about the Nominating Committee and what transpired to date.

Mayor Garner asked, do any members of the Commission have any questions about what was just notified by our Chief Legal Counsel? I'll allow the two commissioners I see here today, Commissioner Burroughs as well as Commissioner Markley, if you all want to weigh-in on any matters related to this.

Commissioner Markley said I would just say, Mayor, this is similar to processes that we followed in the past and worked well in those situations. I'm prepared to ask those three questions that the committee selected.

Commissioner Burroughs said, Mayor, I believe that the committee's work brought forward three quality candidates for the Commission's review. From those three applicants, I believe we will be well served with the Municipal Court appointment.

Mayor Garner asked, Counsel, were you the one that was going to lead the Q&A on this? **Ms. Brown** said I would just take this opportunity to introduce our first candidate, Ms. Joanie Cole is here from the school. Ms. Cole, if you would like to come to the podium here, then Commissioner Markley will ask you the three questions that the committee has prepared. I would also advise that the answer for each question is tapped at three minutes per answer.

Commissioner Markley said, Ms. Cole, welcome. Thanks for being here tonight. Please describe your philosophy regarding code violators and any ideas you have to improve handling of code violations.

Joanie Cole said I'm sorry. Can you repeat that? **Commissioner Markley** said please describe your philosophy regarding code violators and any ideas you have to improve handling of code violations. **Ms. Cole** said I see code violators as an extension of an existing problem within the community. I think that by addressing those ways, we can look at reshaping the way that we see injustice and social inequity in this community. What I consider about the way to reshape those things is to do a formulation of studies that collects that data and analyze what its impacted is in the community and how we can address those needs on a global level, not just an individual level.

Commissioner Markley said talk about your experience working with diverse populations. Give examples of your experience working with people of all income levels and cultures.

Ms. Cole said I've been an attorney for approximately 18 years. Before that, I worked for the Wyandotte County Sheriff's Office doing planning and research and program development. One of the things that I say is interesting about my background is that I've seen and sat on all sides of the table when it comes to civil and criminal litigation. So, working with unique populations and challenging populations and even, I guess to some degree, oppressed populations is where my passion lies because I believe that we can solve our community's problems through deeper analysis of revealing what we can do through the court process to develop programs that really work for people.

Commissioner Markley said I am allowed a follow-up on this one. Do you speak any other languages?

Ms. Cole said no, I do not.

Commissioner Markley asked, do you believe extensive experience is a qualification for judgeship?

Ms. Cole said absolutely, but it's not the only qualification. I think being prepared is a huge part of it, and experience and education is a huge part of it. But I'm not going to limit myself or say that I'm the best at anything because I think that leaves little room for creativity and growth.

What I see for this court moving forward is a day where we can create a better community by striving to be better versions of ourselves. Experience is everything, but my philosophies don't come from my resume or the things that I've done, whether they come from an appreciation that I'm actually a product of this community. I was born here. I was raised here by a single mom who taught school in USD 500 for 30 years. I graduated from Washington High School and Kansas City, Kansas Community College thanks to a scholarship. I've had a marriage here, an extensive career here, and a family here. These connections are what grinds me to this community and helps me, motivates me to want to step up for this position.

I think that I've seen where this community has been, where it's going, and what it aspires to be in the future. That speaks volumes beyond education and experience and underscores what I think I can really deliver which is an innovative way of thinking and a vision for meaningful social change.

Commissioner Markley said thanks so much, Ms. Cole.

Ms. Brown said I'll introduce Judge Brajkovic.

Commissioner Markley said the Commission does have your resume. Welcome and thanks for being here tonight. Please describe your philosophy regarding code violators and any ideas you have to improve handling of code violations.

Judge Brajkovic said the difficulty with code violations and code violators is when you're in a court, you're trying to balance out using your court powers for public safety purposes. You really need to figure out and use your jail ability and your warrant ability and fine ability judiciously. They're sanctioned. You need to understand if jail is appropriate for a codes violator, but at the same time, a codes violator, depending on the blight, depending on the situation, are interfering with other people's property values. They are taking down the community in their neighborhoods that many people are proud of. So, there's a real consequence and that's not even the health violations situation.

So, my philosophy with codes is to always try to incentivize someone to provide the honey. Sometimes this gets frustrating to our Code Enforcement officers because they feel like I'm not supporting them as this person is lying about the situation perhaps, or not understanding it the way the Code Enforcement does.

But for me to really solve the problem, I want to give that person one more opportunity to take this opportunity to fix it. So, we do that. We ask the first time and then if we don't fix it, we start looking at sanctions. We have gone, depending on if it's a first time or it's the last time, any of them from waiving the fine if you comply to a gentleman who ended up with 30 days of jail because he had 10 different properties and owed \$10,000 worth of fines. We would send him in periodically. That is why I think I was one of them that kind of was a part of the support of the administrative process because I think at some point, the codes violations get so...**Ms. Sparks** said one minute remaining.

Judge Brajkovic said ...that you need to start talking about taking away the property. That is not for the person who can't afford to put a roof on. That is not the person who can't mow the grass. Those are the people that are willfully and wantonly, with no regard to their neighbors, letting their property deteriorate to a point that it is harmful for our community.

Commissioner Markley said talk about your experience working diverse populations. Give examples of your experience working with people of all income levels and cultures.

Judge Brajkovic said well, currently, in Municipal Court, we have 10 languages routinely that we use through Language Line and in-person interpreters. So, it is a frequent part of our court. In fact, yesterday we had an arraignment docket where we used the Language Line both for Swahili and Kirundi. So, really my biggest approach when we have a non-English speaker is really making sure you're slowing down to make sure that you're not rushing through the process.

Different tricks that I would do is actually like sit down when I'm talking to somebody because then I slow down and have that meaningful conversation. Even when we are dealing with our English speakers, we can tend to talk in court slang and we move really fast. That becomes even more difficult when you're English as a second language speaker.

I'm not sure how many of you know this, but my husband's second language is English. So I have watched my mother-in-law, my father-in-law both be fluent but struggle with this situation. I try to be very, very mindful of everybody coming into the situation where they are. You know, that's also where—so many thoughts. I'm sorry.

Sanctions. When you start talking about sanctions, that's when you're trying to stop the behavior. That is meant to be fair and equal. So, if I need to sanction you \$100 because that's kind of the baseline, then I need to say, how much money do you make? What is your situation?

Then I need to adjust that \$100 to match so that it is the same impact as the \$100 for somebody else that does not struggle with resources. So, these are things that we kind of think about...**Ms. Sparks** said one minute remaining.

Judge Brajkovic said ...when we talk about sanctions. We also consider in community service. If you want community service, I'm going to give it to you. You're not going to have to prove you deserve it, but we're also going to talk about how many hours you have because a mom with three young children has a lot different hours to do community service than someone like me. If I have somebody who works in construction and it's April, that person has way less hours than I do. The person working in construction in December, a different situation. So, we just take the person where they are. Be mindful that not everyone's from the same spot and try to roll with it the best we can to make sure justice is accessible for all.

Commissioner Markley said I am allowed a follow-up on this one. Do you speak any other languages yourself? **Judge Brajkovic** said oh I wish, but no.

Commissioner Markley asked, do you believe extensive experience is a qualification for judgeship?

Judge Brajkovic said I do. I think it takes being around the court; around a community to really understand and build that relationship with the people that are appearing in front of you because that's what we are.

Our case, our court load is 40,000 cases per year, sometimes 45,000. Now that case also has at least a police officer connected to it, likely a victim connected to it, and also an attorney connected to that. So we are touching maybe 100,000 different people in those 40,000 cases. So I think understanding how to do that efficiently for it to be a good taxpayer steward, to understand sanctions need to be tailored specifically, and understand the different areas of the community. Also understanding that our community will often tell you they can pay more than they actually can because they want to make sure they're showing the respect.

I think all of those things you really need to have in order to lead the court to the best of your ability. Like, to be UG forward, you need to have that experience behind you to understand. You want to be innovative and resilient. You have to roll with the punches to know what's behind you. I can tell you that our court has never been more resilient than a COVID year when we went to Zoom, had a cybersecurity attack right in the middle of an RFP, the rolling blackouts took us

out in the snowstorms. So, yes, I do believe experience is very, very important because you cannot be innovative if you don't know where you were in the past.

Commissioner Markley said that's all my questions. Thanks so much for your time.

Ms. Brown said, Commissioners, I would introduce Judge Meaghan Shultz. Ms. Shultz, I would advise that you'll be asked three questions and have three minutes to answer each question.

Commissioner Markley said welcome. All three questions will come from me. Please describe your philosophy regarding code violators and any ideas you have to improve handling of code violations.

Judge Shultz said I really believe that there are different categories of people who have code violations. I believe there are those who have economic disadvantages; who have issues being able to fix problems with their house. Those people I would like to see us steering them more toward resources in the community to help them fix the issues that they have with their homes and get them up to code or their properties.

I see that there is also a category of people who have the ability to fix the issues with their homes, but for some reason don't really have a desire to. I think those are the people that can only be encouraged to fix those issues through heavy sanctions of fines and continuing that process multiple times until they get fixed.

Then I see also another category of people who own property in Wyandotte County, but don't really live here, maybe own rental property. Those people are actually probably the most difficult to deal with because service is hard and if you don't have service, we can't really issue a bench warrant and pursue those cases. Those are the people that are the most difficult to actually get them to change their property. I think what we need to do with that is when we do get them in, advise them and then do at least underlying jail time to encourage them to not only fix their property but also to maintain the property and put them on like a year-long probation...**Ms. Sparks** said one minute remaining.

Judge Shultz said ...and if they continue to have violations, enforce the jail time on those people.

Commissioner Markley said talk about your experience working with diverse populations. Give examples of your experience working with people of all income levels and cultures.

Judge Shultz said I don't tell a lot of people this, but I'll talk about this in a public forum. I grew up middle-class. My husband and I made choices that our parents didn't agree with and we got married when we were in college. Had our first child in college. My husband dropped out of school to support us. I went to school, worked 20 hours a week. He worked two jobs and we were on WIC and we were on food stamps. It was a completely foreign process to us. It was something that neither of us had been exposed to.

I will tell you that that experience of going through that and then fighting our way back up to middle-class has really impacted my life and has impacted what I see as a person's ability to pay, especially when it comes to fines because it is extremely difficult to get out of that cycle if all you're doing is getting fine on top of fine on top of reinstatement fees. So, I think that experience of being in poverty has really influenced the way I interact with people.

I also from—my two older children attended Sumner Academy and that experience not only was great for them, but it was also great for our family as a whole. My kids got to interact with people in different family situations than they had originally grown up with. They got to experience people of all races, all religions, and we got to have those...**Ms. Sparks** said one minute remaining.

Judge Shultz said ...got to have those people into our homes and it really was of a benefit for us.

Commissioner Markley said I do get a follow-up on this one. Do you speak any other languages yourself?

Judge Shultz said no.

Commissioner Markley asked, do you believe extensive experience as a qualification for judgeship?

Judge Shultz said I believe it's important that somebody have experience. It doesn't necessarily have to be experience as a judge, but yes, it's important for an attorney to have had—I agree with the five-year minimum. I mean, that's what's in the ordinance and I think it's there for a reason because it's important to have had experience to be able to be a judge.

I think I've done a pretty good job as a judge so far. I hope that you all agree with that. I think there are a lot of people who would think that I've done a good job. I believe that I bring a lot of understanding, even though I may not tell someone that personal experience that I shared with you. I believe that I come at my interactions with people in a different light than maybe somebody who has not been through that.

Commissioner Markley said that's all of the questions. Thanks so much for your time.

Ms. Brown said, commissioners, that concludes the interview process of the questions that the Nominating Commission had prepared.

Mayor Garner asked, Chief Counsel, are you going to gather up the ballots or how would you like them to proceed?

Ms. Brown said if everybody has voted, I would gather the ballots. I wasn't sure if there was going to be discussion.

Ms. Brown said, commissioners, we have a 5 to 4. I will be providing the Mayor with a ballot. **Mayor Garner** said would you have the Clerk review that first. **Ms. Sparks** said, Mayor, the vote is 5 to 4.

Ms. Sparks said the votes have been tabulated. We have 6 votes for Meaghan Shultz as the successful candidate.

Mayor Garner said that's what's been tabulated. I'll entertain a motion for approval of the resolution appointing Meaghan Shultz as the Municipal Court Judge for Division 1 for a four-year term. I need a motion.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Davis, to adopt the resolution.**

Mayor Garner asked, is there any discussion?

Commissioner Bynum said this may not be the time for that discussion, but does that create another opening in this court? **Ms. Brown** said yes, Commissioner, that will create another opening. You will have to redo this process to fill the remaining two terms of Ms. Shultz's contract. Because the Judicial Nominating Committee was convened within six months of the opening, you can use that same applicant pool or you can form a new nominating committee and do it again.

Mayor Garner said we have a motion and a second. Any further discussion?

Commissioner Davis asked, Counsel Brown, when do we have to make that decision for the second Municipal Court opening? What's the timeline? **Ms. Brown** said basically on October 1, you're going to have a vacancy when Ms. Shultz is sworn in as the Administrative Judge or when her contract takes place. So you will have to take steps to fill that somewhat quickly. The urgency is not as great as with the Administrative Judge because you could utilize pro tems for a period of time, whereas, you must have an Administrative Judge.

Commissioner Davis said, if I may ask. When we request for pro tems, what's that process? Does the Administrative Judge appoint, or how does that work? **Ms. Brown** said there is currently a list of pro tem municipal judges that are in Municipal Court that they rotate through.

Mayor Garner said there is a motion and a second for approval. Roll call, please.

Action: **RESOLUTION NO. R-57-22**, "A resolution appointing Meaghan Shultz to the position of Municipal Court Judge, Division 1, for the term of four years which begins October 2022, and runs through September 30, 2024." Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 5 – 211968...RESOLUTION: EXTENDING THE STATE OF EMERGENCY FOR THE COVID-19 PANDEMIC

Synopsis: Proposing a resolution to extend the state of emergency for the COVID-19 pandemic for the County of Wyandotte, Kansas, through February 1, 2023, submitted by Matt May, Director of Emergency Management.

Mayor Garner said I'll turn it over to Mr. Matt May, our Director of Emergency Management, for comments.

Matt May, Director of Emergency Management, said I stand before you as I have before to continue this state of emergency, at the request mostly of the Health Department but there are other agencies who also use the reimbursement process that this allows us to reach out to FEMA for. So, beyond that and the sake of time, I leave it open for questions.

Commissioner Ramirez said my colleagues probably already know what I'm going to say. I just have to say it every time it comes before us, this is not creating any orders, not any mandates of any kind. This is just to allow us to get reimbursed from the federal government for what we do pertaining to COVID. I just wanted to make sure that...**Mr. Matt** said nothing about that's changed. **Commissioner Ramirez** said I just feel I always have to make sure I say that to the community. This is no new mandates in anyway. This is just for us to get reimbursed.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Bynum, to adopt the resolution.**

Mayor Garner said before we move to the motions, are there anymore comments or questions for our Emergency Management Director? Seeing none, we have a motion and a second for approval. Roll call, please.

Action: **RESOLUTION NO. R-58-22,** "A resolution extending the state of emergency for the COVID-19 pandemic for the county of Wyandotte, Kansas, through February 1, 2023." Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 6 – 212001...APPOINTMENT: VOTING DELEGATE FOR KANSAS OF ASSOCIATION OF COUNTIES (KAC)

Synopsis: Appoint Commissioner Christian Ramirez as the voting delegate and Juliann VanLiew as the first alternate, and Andrea Vinyard as the second alternate for the Kansas Association of Counties 46th Annual Conference & Exhibition, submitted by Alley Porter, Commission Liaison.

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

Action: Commissioner Bynum made a motion to approve the appointments.

Mayor Garner said I have a motion. Before we move on to the motions, are there any comments or questions from any other commissioners? I have a motion. Is there a second.

Action: Commissioner Johnson seconded the motion.

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 nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

REGULAR CONSENT AGENDA

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

Action: Commissioner Stites made a motion, seconded by Commissioner Johnson, to approve all items.

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

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

Item No. 1 – 211935...RESOLUTION: RESOLUTION OF INTENT TO ISSUE INDUSTRIAL REVENUE BONDS

Synopsis: Resolution of Intent to Issue Industrial Revenue Bonds not to exceed \$25,000,000 for the Benefit of Sunflower Development Group, LLC (505 Central Avenue Project), submitted by Katherine Carttar, Director of Economic Development. On September 12, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-59-22**, “A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the amount of not to exceed \$25,000,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multi-family project for the benefit of Sunflower Development Group, LLC, and its successors and assigns (sales exemption only).” **Commissioner Stites made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 - MINUTES

Synopsis: Minutes from the special session of August 25, 2022.

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

Item No. 3 - WEEKLY BUSINESS

Synopsis: Weekly business material dated September 8, 2022.

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

ADMINISTRATOR'S AGENDA

Item No. 1 – 211735...UPDATE: GRANTS AND GRANT PROCESS

Synopsis: Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator. The update will be presented by Alley Porter.

Mayor Garner said filling in for our Interim County Administrator Ms. Harrison-Lee is our Assistant County Administrator Bridgette Cobbins. I'll ask Ms. Cobbins to make some opening remarks.

Bridgette Cobbins, Assistant County Administrator, said a printed report has been distributed to commissioners. I'll stand for any questions in regard to the grant update provided.

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

Action: For information only.

Item No. 2 – 212006...RESOLUTIONS: VILLAGE WEST APARTMENTS III

Synopsis: Reassigning the resolution of intent to issue bonds in the amount of \$45,700,000 for the construction of commercial facilities to Village West Apartments III, LLC as previously adopted by the Commission, submitted by Katherine Carttar, Director of Economic Development.

1. Resolution Approving the Assignment & Assumption of the Development Agreement for Village West Apartments III.

The ownership structure of the project is changing, and this ensures the ownership group will assume the responsibilities outlined in the Development Agreement.

2. Resolution Assigning & Amending Certain Provisions in the Resolution of Intent to Issue IRBs.

Mayor Garner said you will need to vote on each of these resolutions separately. I'll ask our Economic Development Director, Ms. Katherine Carttar, to make some comments.

Katherine Carttar, Director of Economic Development, said there are two different resolutions here tonight, both surrounding the same item. This is the Village West Apartments, the third phase, by NorthPoint. These were approved a number of years ago through a variety of issues, mainly COVID related. There's been some delays. We did have, if you recall, about nine months ago or so, did go through and revise and then did the development agreement, changed those dates, actually increased the PILOT schedule. So that has already previously been done.

They are now ready to close on the property. They are mobilized. Already out there with their stuff ready to move dirt. So, now these are just a couple of kind of housekeeping items to make sure that we are fully in compliance.

They have requested an assignment of the Village West Apartments III development agreement from the previous owner, Village West Apartments III, LLC, to NP Village West III, LLC. As part of the development agreement, if there is any change in the ownership, that has to kind of be approved by you all. We have reviewed this. NorthPoint will continue to be the developer. They will continue to be part of the ownership structure, but the ownership structure has changed just enough that we felt to be safe, we wanted to come and make sure that we had reviewed all that and brought it in front of you all.

The goal here really is to make sure with an assignment and assumption agreement that the ownership remains responsible in every way for everything that is laid out in that development agreement. That is the first resolution tonight.

Mayor Garner said we'll open up for questions.

Commissioner Bynum said just to clarify that nothing other than the ownership within the development agreement itself changes. **Ms. Carttar** said correct. **Commissioner Bynum** said

so there's no part of the payment in lieu of tax structure that is altered or any of the other components. **Ms. Carttar** said that is correct.

Action: **Commissioner Bynum said I would make a motion to approve the assignment and assumption of the development agreement for Village West Apartments. Commissioner Johnson seconded the motion.**

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

Action: **RESOLUTION NO. R-60-22**, "A resolution adopting the assignment and assumption of development agreement for Village West Apartments III, convey the project site located north of Delaware Parkway, west of 110th Street and south of Parallel Parkway in Kansas City, Wyandotte County, Kansas, to NP Village West III, LLC, a Delaware limited liability company." Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Ms. Cobbins said, Mr. Mayor, I'd just like to make a comment tonight. Katherine, tonight is your last time coming before this committee and our board as our Economic Development Director. I just want to thank you for your years of service to the Unified Government and to our community. You've been nothing but professional during your tenure, and committed to establishing thriving working relationships with our economic community. Wishing you the absolute best in your next chapter. We will miss you and best wishes to you and your family.

Mayor Garner said we have one more item. I'll now entertain a motion for approval of the other resolution.

Ms. Carttar said again, all this is, again, is kind of housekeeping. There was a resolution of intent to issue bonds. This is, again, restating with the new owner and kind of resetting with the new timeframe, but nothing in terms of the project has changed.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Stites, to approve as submitted.**

Mayor Garner said there's a motion and a second. Before I move to vote, I'd just like to allow any commissioners, if you'd like to have some comments from Ms. Carttar? This is the last motion that she'll be involved in. I'd just think it would be appropriate to have the opportunity to just make some parting comments with our Economic Development Director.

Commissioner Ramirez said I already gave you some of my comments earlier before we started back up. But, just again, thank you for what you've done for our county. Even through COVID you still worked. You still did a lot. We were able to develop, bring in some good development projects. I thank you for helping me when I came in because I will tell you, economic development was—everything that was said just went over my head. But meeting with you and getting to know like the inner workings of how we do our incentives and development agreements and everything—so I truly am grateful for that. So thank you, thank you, thank you for what you've done. I wish you the best of luck in your future.

Commissioner Bynum said since the Mayor pointed out that this would be the last motion, I decided that I have 10 or 15 questions. I just want to say thank you, also. My experience with you is that, as Administrator Cobbins said, you've always been the height of professionalism. The work that you bring is understandable, which I think is very helpful. For me, when I've reached out to you to say I need x, y, z information or do you have five minutes so that I can ask you a question, you've always been super responsive to that. I can't tell you how much that's appreciated because we know that staff is busy and for you to take the time to field our questions and made sure we understand, I think, has been so critically important. So, thank you for all you've done. Best wishes to you and come back and tell us what's going on in your world.

Commissioner Markley said well, everyone said it. You've been such a professional and your skills have given so much to this community. So, you will be missed. We wish you all the best in your future endeavors.

Commissioner Davis said well, dang-it. Everybody else got more time than I did. I'm jealous of my colleagues here because they got your full four years or at least a piece of it. I only got a fraction of it. We've been in enough meetings and had enough conversations that I echo what everyone else has said. Katherine, you've done a phenomenal job in laying the foundation for our community. I wish we could have done this for all the other UG employees that are taking on new endeavors, but you are absolutely deserving of this.

Katherine was at town hall in my district and it's really funny because we were doing some exercise on naming springs. She did a phenomenal job. One of my constituents was kind of looking at her phone. She's like wait. Katherine, your leaving, and the room kind of changed because they're like oh my goodness. We are going to miss her. I think it just speaks highly of your work and your passion and the innovation that you brought to our community.

Again, you really laid that work. I'm excited to see what you do in your next journey. Don't forget about us. I'm sure we will cross paths. Best wishes and thank you for your work.

Commissioner Townsend said I just have to echo everything already said about you by my colleagues. In my association with you as a member of the Economic Development and Neighborhood Standing Committee, she's always been direct, professional, and a great resource. She's been most helpful, a great resource explaining what is happening in Wyandotte County, what did happen under your tenure, and what we had to look forward to in explaining those to my neighborhood groups. So, I wish you all the best. It's a round world. Remember us. We will remember you, and we look forward to hearing good things about you. Throw a bone our way if you can do so.

Commissioner McKiernan said you're leaving us better than you found us. For that, we really appreciate you. I look forward to continuing working with you in your new role because together, we will continue to make great things happen in Wyandotte County, Kansas City, KS, as well as the whole metro area. So, I look forward to the future.

Commissioner Burroughs said colleagues, please don't take my silence as not in support of Katherine. When I came across that she was leaving, we had quite a conversation, so that was between us. I think you hear how we feel about you.

Commissioner Stites said, Katherine, you know when I found out, I called you really quickly. You know the developers that I interact with on a daily basis voiced their concern. Man, I sure hate to see her go. We really are going down the right path. Things are getting better. Things are, just like Commissioner McKiernan said, you're leaving us better than you found us. I was encouraged to hear that your new role will also have the opportunity for us to cross paths again and hopefully work on some future projects together. Congratulations. Thank you for your service.

Mayor Garner said, Katherine, I just want to say thank you for your service. On behalf of I'm sure of everybody that's benefited from all the good that we know that you've brought to Wyandotte county, thank you so much. We wish you nothing but continued blessings and all the success that we know God has in store for you. So, thank you so very much for all you've done for Wyandotte County.

Mayor Garner said we have a motion and a second. Roll call.

Action: **RESOLUTION NO. R-61-22**, "A resolution assigning and amending certain provisions of Resolution No. R-8-20 previously adopted by the Unified Government of Wyandotte County/Kansas City, Kansas, which determined the intent to issue industrial revenue bonds in the amount of approximately \$45,700,000 to finance the costs of acquiring, constructing, improving and equipping commercial facilities (Village West Apartments Phase III)." Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Mayor Garner said that concludes the portion of our regular meeting and I'm going to adjourn us in that capacity and call us back as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or County Administrator wish to set aside any item on the Land Bank Consent Agenda?

Action: Commissioner Johnson made a motion, seconded by Commissioner Stites, to approve as submitted.

Mayor Garner said I have a motion and a second to approve the Consent Agenda for the Land Bank Board of Trustees. Is there any discussion? Seeing none, roll call, please.

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

Item No. 1 – 211929...TRANSFERS: REAL PROPERTY INTERGOVERNMENTAL TRANSFERS

Synopsis: The Land Bank Manager requests approval and forwarding to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager. The parcels below are requested to be transferred to the Unified Government from the Land Bank's inventory. Please visit the new site to review the parcels below. On September 12, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Right-of-way - 22 parcels:

- | | |
|---------------------------|---------------------------|
| 1. ROW - Parcel – 892078 | 12. ROW - Parcel – 892238 |
| 2. ROW - Parcel – 892085 | 13. ROW - Parcel – 892239 |
| 3. ROW - Parcel – 892132 | 14. ROW - Parcel – 892240 |
| 4. ROW - Parcel – 892228 | 15. ROW - Parcel – 892241 |
| 5. ROW - Parcel – 892229 | 16. ROW - Parcel – 892242 |
| 6. ROW - Parcel – 892230 | 17. ROW - Parcel – 892244 |
| 7. ROW - Parcel – 892231 | 18. ROW - Parcel – 892245 |
| 8. ROW - Parcel – 892232 | 19. ROW - Parcel – 892246 |
| 9. ROW - Parcel – 892233 | 20. ROW - Parcel – 892247 |
| 10. ROW - Parcel – 892234 | 21. ROW - Parcel – 892249 |
| 11. ROW - Parcel – 892237 | 22. ROW - Parcel – 892251 |

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

Mayor Garner said tonight we made an appointment of a new Municipal Court Judge. She wanted to take the opportunity to have some remarks for the Commission. So, if she's available, please come forward to the podium.

Judge Shultz said I just want to say thank you and I look forward to continuing to work with you in my new role. Thank you very much for this opportunity. I really appreciate it.

ADJOURN

Mayor Garner said with no further business to come before this governing body, I'll entertain a motion to adjourn.

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

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

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

MAYOR GARNER
ADJOURNED THE MEETING AT 11:27 P.M.
September 29, 2022

Monica L. Sparks
Acting Unified Government Clerk

am/cg

September 29, 2022