

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

**PLANNING & ZONING AND
REGULAR SESSION
OCTOBER 27, 2022**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, October 27, 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; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Johnson, Commissioner Fourth District, was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Brett Deichler, Interim Assistant County Administrator; Misty Brown, Chief Counsel; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Planning and Urban Design Dept.; Jeff Fisher, Executive Director of Public Works; Trenton Foglesong, Senior Engineer; Jud Knapp, Land Bank Manager; and Monica Sparks, Acting UG Clerk.

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

During the meeting, please make sure that you announce yourself by name and title every time that you're asked to speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and its current guidance from the Kansas Attorney General Office. I will now call this meeting to order. Clerk, could you give the roll call, please.

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

Mayor Garner said tonight's invocation is going to be given by Chaplin George Kemper of Ebenezer Ministries, followed by the Pledge of Allegiance.

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

Monica Sparks, Acting UG Clerk, said, yes, Mayor. There are two revisions to the agenda. The first revision is to the Mayor's Agenda. A new item has been added. Item 5 is an update on the biosolids project. The second revision is to the Administrator's Agenda. New Item No. 4, a resolution and ordinance for Sheriff's Department staff funding. Those are all the revisions to the agenda.

Mayor Garner thank you, Clerk. Please make the statement for the P&Z part.

PLANNING AND ZONING CONSENT AGENDA

Monica Sparks, Acting UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting. It was noted that a valid protest petition was filed in the Clerk's Office protesting Change of Zone 2021-048 for a change of zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High-Rise Apartment District at 4601 Rainbow Blvd. The petition represented 22.64% of the property owners.

At this time, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? **Commissioner Ramirez** said opponents and proponents of COZ2021-048. **Commissioner Bynum** said proponents and opponents of 2021-048 Change of Zone. **Commissioner Markley** said same. **Commissioner McKiernan** said same. **Commissioner Davis** said same. **Commissioner Stites** said same. **Commissioner Kane** said same. **Commissioner Townsend** said same. **Commissioner Burroughs** said same.

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

Mayor Garner asked, do any members of the Commission, the County Administrator, or the public wish to set-aside any item on the Planning and Zoning Consent Agenda? I want to remind you that 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 recommendation of the Planning Commission.

Commissioner Townsend said I wish to set-aside Special Use Petition SP2022-088. The applicant is doing business as Cyntox LLC.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve all remaining items.

Mayor Garner said we do have motions. Before we get to that, I'll ask if anyone in attendance would like to set-aside an item. If so, come to the podium. Please state your name and city for the record and the item to be set-aside.

Dahlia said I am here for Manuel Lopez, SP2022-070. We just wanted to see if we could set it aside for today.

Mayor Garner asked, is there anyone else in attendance? Clerk, is there anyone joining us virtually that has their hand raised to set-aside an item? **Ms. Sparks** said no hands are raised.

Mayor Garner said outside of the set-aside, we have a motion and a second for approval of the Planning and Zoning Consent Agenda. Roll call, please, Clerk.

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

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212038...CHANGE OF ZONE APPLICATION COZ2022-024 - WYLIE DENTON

Synopsis: Change of Zone from R-1 Single-Family District to A-G Agriculture District for an accessory structure to house cows at 2730 S. 69th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Wylie Denton, is seeking a change of zone from R-1 Single-Family District to A-G Agriculture District, to construct an accessory structure larger than 1,000 square feet and to have cows on the property. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2022-024, subject to:

1. The applicant must obtain a Conservation Plan from the Conservation District before cows are allowed on the property.
2. The applicant must maintain a 25-foot buffer around the creek that runs through the property;
3. The applicant must replant any trees that will be removed;
4. The applicant must remove any waste, not utilized as fertilizer, from the property regularly, as to prevent any potential contamination of water run-off;

5. This case is being heard in conjunction with Board of Zoning Appeals case BOZA2022-037;
6. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. 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;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. 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;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. 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; and,
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-024, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 2 – 212043...CHANGE OF ZONE APPLICATION COZ2022-027 - LIDIA VILLAR WITH LIDIA & COMPANY, LLC

Synopsis: Change of Zone from R-2(B) Two Family District to CP-1 Planned Limited Business District, to construct a neighborhood market at 1218 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

Item No. 1 – 212070...MASTER PLAN AMENDMENT MPL2022-015 - LIDIA VILLAR WITH VILLAR & COMPANY, LLC

Synopsis: Master Plan Amendment from Urban Density (Armourdale Area Master Plan) to Community Commercial (Armourdale Area Master Plan) to construct a neighborhood market at 1218 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Lidia Villar, is requesting a Change of Zone from R-2(B) Two-Family District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density to Community Commercial (Armourdale Area Master Plan) for the subject property at 1218 Kansas Avenue. The Change of Zone has been requested so that the applicant can construct a new grocery store with parking lot. The subject property is currently a vacant lot with approximately 15,315 square feet. This application is being heard in conjunction with BOZA2022-042 for variances related to setbacks and parking. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment MPL2022-015 and Change of Zone COZ2022-027, subject to:

- 1) This City Planning Commission case is being heard in conjunction with BOZA2022-042;
- 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) Section 27-464(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 15,314.79 square feet, requiring 2 trees be provided on the site plan;
- 4) Section 27-464(g) requires that trees are requires that a six (6) foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
- 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) Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
- 7) 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;
- 8) Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06 and otherwise adopted by the City-wide Master Plan;
- 9) The applicant is requesting a Special Use Permit for a property to be zoned as CP-1 Limited Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for COZ2022-027. 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;
- 10) The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - (a) Per Section 27-575(d)(2), curb-cuts should be minimized and concentrated at mid-block;
 - (b) Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;
 - (c) Section 27-575(d)(9) states that there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;
 - (d) Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
 - (e) Section 27-575(f)(1) states that 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;

- (f) Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to that system and accommodate the uses anticipated on the trail (e.g., pedestrian, bicycle);
 - (g) Section 27-575(a)(3) states that street layout should define a cohesive development;
 - (h) Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;
 - (i) Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
 - (j) Section 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
 - (k) Section 27-577(f)(1) states that all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan; (l) Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;
- 11) A deviation to the following requirements of the Commercial Development Guidelines Overlay District has been approved by the City Planning Commission.
- (1) Section 27-577(c)(4) states that landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;
 - (2) Section 27-575(e)(3) states that parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;
 - (3) Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
 - (4) All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines.
- 12) Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
- 13) Per Section 27-723(a), no sign (including the structure or sign surface or murals) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Master Plan Amendment MPL2022-015 and Change of Zone Application COZ2022-027, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 3 – 212044...CHANGE OF ZONE APPLICATION COZ2022-029 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS

Synopsis: Change of Zone from R Rural Residential District (WYCO) to A-G Agriculture District to subdivide 35 acres into four (4) lots at 13205 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Andrea Weishaubt, is requesting a Change of Zone from R Rural Residential (WYCO) and A-G Agriculture Districts (WYCO) to A-G Agriculture District as well as a Preliminary and Final Plat (APROVED) to create four (4) agricultural lots at 13205 Parallel Parkway. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone COZ2022-029, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-043, heard by the Board of Zoning Appeals, on October 10, 2022;
2. All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;
3. When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the register of deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
4. Proposed development(s) within this preliminary plat or plans review will require drawings to be submitted with additional information. These additional plans may result in additional comments, changes, or conditions before final approval;

5. Approval of this case by the Board of Zoning Appeals, 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 exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
6. All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;
7. Any future development shall work with the Wyandotte County Conservation District and develop a Conservation Plan to address concerns noted by the Conservation District;
8. 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;
9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
10. 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; and,
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; 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 Kane made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-029, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 4 – 212046...CHANGE OF ZONE APPLICATION COZ2022-032 - JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS

Synopsis: Change of Zone from C-3 Commercial District and M-2 General Industrial District to CP-3 Planned Commercial District to correct split zoning and operate a used car dealership with light repair at 1401 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, James Sullivan, is requesting a Change of Zone from C-3 Commercial District and M-2 General Industrial District to CP-3 Planned Commercial District to operate a used car-dealership with light auto-repair at 1401 Merriam Lane. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone COZ2022-032, subject to:

1. The applicant will be required to get their septic tank inspected by the Kansas Department of Health and Education and/or the Wyandotte County Health Department;
2. The applicant may not pave or park on top of the leech field for the septic tank; This may result in further alteration in the site plan;
3. The applicant shall submit for a Final Development Plan review;
4. 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;
5. 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;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
8. If approved, the applicant must file and maintain a current business occupation tax application with this office;

9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. 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;
12. 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.
13. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06; and,
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-032, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 5 - 212050...CHANGE OF ZONE APPLICATION COZ2022-034 - DERRICK MERCHANT WITH 7B BUILDING AND DEVELOPMENT

Synopsis: Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District to construct a car wash at 4810 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

Item No. 2 - 212072...MASTER PLAN AMENDMENT MPL2022-019 - DERRICK MERCHANT WITH 7B BUILDING AND DEVELOPMENT

Synopsis: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to construct a car wash at 4810 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Derrick Merchant of 7B Building and Development, LLC, is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for the construction of a new car wash. The subject property has a vacant commercial building that has a history of uses such as a steak house, Mexican restaurant, and most recently as an urgent health care clinic. The Change of Zone has been requested so that the applicant can construct and operate a new drive-thru car wash. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment MPL2022-019 and Change of Zone COZ2022-034, subject to:

- 1) Any grease, sand, oil, or other interceptors shall indicate their lids are both child proof and meet vehicle rating requirements. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;
- 2) Retaining walls shall provide calculations and shall be made of masonry-material, not a smooth-faced concrete masonry unit (CMU) blocking unless wrapped with a masonry finish. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;
- 3) Trash or dumpster enclosures shall meet the requirements of the Commercial Design Guidelines Overlay District. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;
- 4) 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;
- 5) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

- 6) 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) Proposed development(s) within this preliminary plat and/or plan review will require drawings to be submitted with additional information. These additional plans may result in additional comments, changes, or conditions before final approval;
- 8) The applicant is requesting a Change of Zone and Master Plan Amendment for use on or development of a property zoned CP-1 with a proposed Change of Zone to CP-2. Therefore, this property is subject to and shall comply with all applicable regulations under the Commercial Development Guidelines Overlay District including landscaping, irrigation, lighting, parking, fences, screening, parapets, recycling or trash enclosures, utility fixtures and equipment, signage, or other requirements as applicable. Change orders, plan changes, or modifications in field, on site, or other remain subject to compliance to the Commercial Development Guidelines Overlay District requirements. Failure to comply with the guidelines may result in the delay of obtaining a Certificate of Occupancy or other enforcement action;
- 9) Section 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 66,572 square feet, requiring 10 trees be provided on the site plan;
- 10) Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
- 11) Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
- 12) Section 27-699(a)(6) states that non-industrial and non-structural 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 shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
- 13) Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
- 14) 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. ADA Stalls must be 8' wide with an additional accessibility aisle of five (5) feet wide. Two (2) ADA-accessible parking stalls may share one accessibility aisle;
- 15) Per Section 27-466(c)8, no use is permitted that involves the parking, keeping, storage or continued presence of trucks over 30,000 pounds GVWR rating, semitrailer rigs or portions

thereof or outside storage of contractor's equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property;

- 16) Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
- 17) Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
- 18) 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;
- 19) A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 20) 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;
- 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;
- 22) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,

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

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Master Plan Amendment MPL2022-019 and Change of Zone Application COZ2022-034, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212052...SPECIAL USE PERMIT APPLICATION SP2022-050 - TIM GATES WITH AGNES GATES REALTY

Synopsis: Special Use Permit for live entertainment in conjunction with an existing drinking establishment at 1005 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning. The applicant, Tim Gates, is seeking a new Special Use Permit for live entertainment at an existing restaurant with bar at 1005 and 1007 Osage. The Applicant is a representative for the property owner, whose son wants to do performances in the restaurant with his band while people are dining and to have occasional small parties with entertainment. The two (2) properties have been joined to create a semi-open floor plan on the street level to accommodate the existing restaurant and dance floor while 1005 Osage retains a second level with apartments. The total square footage for the combined buildings is 6,660 square feet. This application is being heard in conjunction with BOZA2022-041 for minimum parking lot setbacks and for number of parking spaces required. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit SP2022-050 for two (2) years, subject to:

- 1) This City Planning Commission case is being heard in conjunction with BOZA2022-041. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-041 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.
- 2) The inoperable vehicles must be removed from the parking lot.
- 3) The boat must be removed from the parking lot.
- 4) The storage container must be removed from the parking lot.

- 5) Building materials, fluid container, inoperable restaurant equipment, salvage material, and all other debris, defunct equipment, and trash must be removed from the property's exterior, including the roof.
- 6) The rear fenced-in area must be free of all salvage material and equipment. The fenced area must be removed or modified, as it blocks the rear emergency exit from the current restaurant. This exit must remain unblocked and allow for unrestrained access of persons to exit.
- 7) An architect or registered professional must submit a new as-builts of the building including the storage room and cooler additions.
- 8) An architect or registered professional must submit a new site plan to include a six (6) foot setback for a fence and landscape buffer at the front of the parking lot on the Osage frontage per Section 27-467(d)(2)e. The approval of a variance for this site plan may be required.
- 9) Lighting must be upgraded to down-ward facing lighting per the Commercial Design Guidelines
- 10) Any non-permitted signage must obtain sign permits, including any murals or other painted signage.
- 11) A building permit must be obtained on any modifications of the property not previously captured in permits, including but not limited to the cooler, freezer, side stairwell into basement, and any other modifications.
- 12) A new TCO/CO shall be obtained. The Current CO issued in 2017 is listed as incomplete with corrections and repairs needed. Additionally, a passing TCO/CO inspection may be required once the parking lot is completed at either or both locations as well as the interior of the building.
- 13) Rental licensing must be obtained on the dwellings units if they become rented to the public.
- 14) Fencing must be repaired or replaced where needed and added where required.
- 15) Trash and other disposals shall be enclosed in a structure comparable with the requirements of the Commercial Design Guidelines.
- 16) The building shall be painted in a uniform color.
- 17) Any business or land use in Kansas City, KS that is required to provide offstreet 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.
- 18) All entertainment must cease by at least 1:00AM
- 19) Doors and windows must stay closed during any entertainment performance.
- 20) Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a) Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b) Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c) An I.D. scanner will be used at all times;
 - d) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.

- e) No amplified speakers or entertainment is allowed in outdoor spaces; and f) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
- 21) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
 - 22) If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
 - 23) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
 - 24) All existing and future driveways must feature curb cuts that are constructed to UG standards.
 - 25) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
 - 26) 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.
 - 27) 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.
 - 28) A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
 - 29) Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 17249.799 square feet, requiring 3 trees be provided on the site plan.
 - 30) Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas.
 - 31) Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees.

- 32) Section 27-699(a)(6) states that non-industrial and non-structural 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 shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements.
- 33) Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground.
- 34) Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.
- 35) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
- 36) The granting of this Special Use Permit does not transfer with a change of ownership of the property.
- 37) 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.
- 38) Any business in Kansas City, Kansas 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.
- 39) 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.
- 40) 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.

- 41) 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.
- 42) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-050 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 2 – 212053...SPECIAL USE PERMIT APPLICATION SP2022-064 - GEOFREY KIGENYL WITH THE SOLID ROCK PROPERTIES, LLC

Synopsis: Special Use Permit for a short-term rental at 4410 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Geoffrey Kigenyi DBA The Solid Rock Properties, is seeking the approval to operate a short-term rental at 4410 Rainbow Boulevard. The subject property is in a residential block on the Rainbow Boulevard commercial corridor. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit SP2022-064 for one (1) year, subject to:

1. Maximum number of guests shall be seven (7);
2. All parking must be off-street, maximum number of vehicles is three (3);
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must maintain liability insurance;
5. Applicant must maintain the property’s physical condition through the duration of the permit;
6. All reservations shall be a minimum stay of 24 hours;
7. No meals shall be prepared in the dwelling by the owner or owner’s agent;

8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
10. The property must remain in proper maintenance and free of hazards, pests, or infestations.
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
14. The Special Use Permit shall be valid for 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 in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
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 Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-064 for one year, subject to**

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

Item No. 3 – 212054...SPECIAL USE PERMIT APPLICATION SP2022-070 - MANUEL LOPEZ

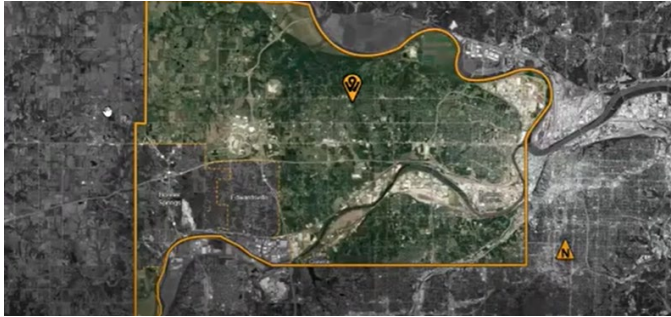
Synopsis: Special Use Permit to keep horses at 1211 N. 69th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Manuel Lopez, is seeking approval to own two (2) horses. The Applicants has less than five (5) acres and is not zoned Agricultural, requiring Special Use Permit. The applicant would like to keep the horses for personal use for time with their grandkids. The applicants have resided at the residence for a number of years after purchasing it as a distressed property and are planning an accessory building and various improvements to the property with the addition of the horses. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit SP2022-070, for the following reasons:

1. The applicant did not provide significant demonstration of on-site plans for shelter, watering, waste disposal, and exercise;
2. The applicant did not clear the land with regards to soil conservation, which will be further exasperated by the presence of horses on a lot in which no sacrifice lot has been identified. There has not been sufficient time to grow new pasture on the cleared land before introducing horses or other livestock; and,
3. Staff discussion with a concerned neighbor has raised concerns about who will actually maintain ownership and care of the horses, particularly during times of extended travel or during inclement weather.
4. Recommendation of denial by the Wyandotte County Conservation District.

Mayor Garner said I’ll ask Mr. Hand to make some comments in this regard.

Case	
SP2022-070	
Petitioner	Address
Manuel Lopez	1211 North 69th Street Kansas City, Kansas 66102
Synopsis	
To keep two (2) horses on their property. The Applicants has less than five (5) acres and is not zoned Agricultural, requiring a Special Use Permit.	

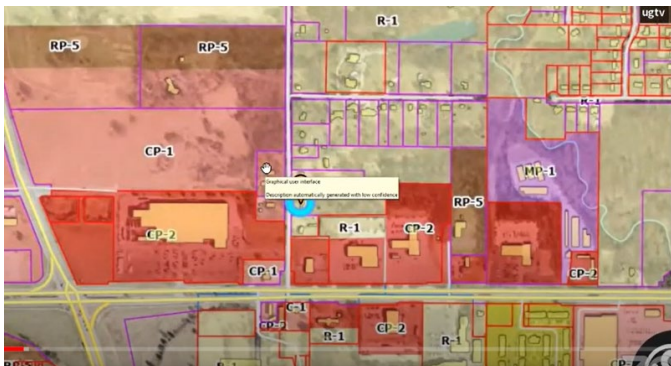
Gunnar Hand, Director of Planning and Urban Design, said this application is for the property to hold two horses on a parcel that’s approximately two acres.



This is in the City-wide Master Plan area in the Midtown neighborhood.



We received no letters of support; one letter in opposition. There is a current notice of violation on the property for an unimproved driveway. The Planning and Urban Design Department staff does agree with the Planning Commission's recommendation for denial primarily because in its review of the property, the Conservation District did not recommend approval of having horses on this property.



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

October 27, 2022

Dahlia said I'm helping Manuel Lopez. My address or the address of the location? **Mayor Garner** said yes. **Dahlia** said it's 1211 N. 69th St. We were just requesting that this could be put on hold because I think some of the paperwork was not filled out correctly and some of the answers didn't have, or some of the questions weren't answered in full; so we want to have some more time to go through and fill out the questions and hopefully, I don't know, if we can work with Mr. Hand and clarify some things.



October 27, 2022



Mayor Garner said I will now open the public hearing and ask the Clerk if she received any direct notification from the public who wish to express their comments in favor of this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone 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 no hands are raised.

Mayor Garner asked, Clerk, have you received any direct notification from the public who wish to express their opposition of this item? **Ms. Sparks** said no comments have been received.

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

Public Opposition	Public Support
None to date.	None to date.
Staff Recommendation Denial	

Mayor Garner said I will now close the public hearing.

Mayor Garner said, petitioner, you can make some remarks to close.

Dahlia said if we could just get some extra time to get our questions filled out correctly with more detail we would appreciate it.

Commissioner Davis said this may be a question either for Legal or for Mr. Hand. If we were to hold this over, would the applicant be able to kind of go through the process and answer the questions more thoroughly or would it still be in the state of denial?

Mr. Hand said I would note a couple of things. There were some technical difficulties at the Planning Commission hearing. The applicant did not have the opportunity to present to the Planning Commission. They continued to hear it at the end of that meeting and came up with the denial. I do not think that anything that the applicant would say would change the Conservation District's recommendation. When it comes to livestock on properties, we pretty much defer to them solely.

One of the other issues we did have was referenced by the applicant. We were still requiring some additional information that we had not yet received at that time. If the Board of Commissioners wanted to remand it back to the Planning Commission, we would probably need the Conservation District to look at it one more time after the answers were filled out. So, I would recommend that it be moved to the December Planning Commission hearing, not November.

So, most likely is the answer, Commissioner Davis, but out of respect for what happened at the Planning Commission, which I forgot to mention in my comments, I think that would be my recommendation.

Commissioner Davis asked, do we have a Planning Commission meeting in December? **Mr. Hand** said yes. **Commissioner Davis** said there is, cool. **Mr. Hand** said your P&Z in December just carries over into January because of the holidays.

Action: **Commissioner Davis made a motion, seconded by Commissioner Kane, to send Special Use Permit Application SP2022-070 back to the Planning Commission so the applicant can more thoroughly review and answer questions.**

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

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

Item No. 4 - 212039...SPECIAL USE PERMIT APPLICATION SP2022-078 - THOMAS W. MORGAN III

Synopsis: Renewal of a Special Use Permit (SP2020-55 – expires 10/8/2022) for a short-term rental at 819 Southwest Boulevard. submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Thomas Morgan, is seeking approval to operate a short-term rental in a multi-family building at 819 Southwest Boulevard. The subject property is in the Rosedale neighborhood. The applicant purchased the property several years and has completed major renovations. The property was a former single-family residence that was split into a duplex a number of years ago. The property underwent a rezone in 2018 to become conforming. The applicant lives in the upstairs unit while renting the downstairs. The applicant is seeking a five (5) year renewal. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2022-078 for five (5) 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 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. Maximum number of guests shall be seven (7) in the upstairs unit and no more than seven (7) in any combination between the unit or units on the ground floor. Should the applicant wish to host more than seven (7) guests per unit, a lodging license from the State of Kansas is required;
3. All parking must be off-street, maximum number of vehicles is three (3) per unit including the three off-street parking spaces. The off-street parking spaces should be utilized before on-street parking on Southwest Boulevard;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper main entrance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. The owner or owner's agent/operator shall provide a guest book with the following information:

- a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b. A lead-based paint notification for any property built before 1978;
 - c. An asbestos notification for any property built before 1981;
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
10. Applicant must complete any repairs necessary as a result of the home inspection or from any staff site visit:
- a. Add a handrail to the exterior steps
 - b. Repair any broken windows/glass
 - c. Repair front steps railing
 - d. Repair decking where evidence of rotting is shown, add additional bolts where needed
 - e. Remove abandoned electrical metering and equipment/weatherhead
 - f. Replace electrical breaker
 - g. Cover exposed wiring/junction boxes
 - h. Ensure all smoke detectors and CO2 detectors are adequately placed throughout the home and are in working condition
 - i. Repair or Replace the TMP Valve in the Water Heater Unit
11. The exterior brick retaining wall around the parking shall be repaired with steps repaired or removed as discussed;
12. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit; 13. The Special Use Permit 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;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,

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

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-078 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 5 - 212040...SPECIAL USE PERMIT APPLICATION SP2022-085 - KELLY HORMANN

Synopsis: Renewal of a Home Occupation Special Use Permit (SP2020-44) for a grooming operation at 7114 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Kelly Hormann, has applied for the renewal of a Home Occupation Special Use Permit to continue the operation of a pet grooming business at the address of 7114 Parallel Parkway. The applicant operates their grooming business out of their basement. The basement of the home has its own side entrance and driveway with a turn around to the East of the home. The applicant has stated their intentions to provide a high-quality grooming service for both dogs and cats. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2022-085 for five (5) years, subject to:

1. Hours of operate must remain between 7:00 AM and 5:00 PM;
2. No overnight board of animals is permitted;
3. No more than two (2) clients may drop-off and pick-up at the same time;
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 Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-085 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 6 - 212055...SPECIAL USE PERMIT APPLICATION SP2022-088 - JOE DELLOIACOVO WITH CYNTOX LLC

Synopsis: Special Use Permit to operate a medical waste transfer station at 200 Funston Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Joe Delloiacovo with Cyntox, LLC, is seeking the approval to continue operations at a medical waste processing and transfer facility. The property has maintained the use for a number of years under the name MedAssure Heartland LLC, but has recently been acquired by Cyntox, LLC, requiring the re-approval of the Special Use Permit, as they are non-transferrable. The processing of medical waste uses moist heat rather than hazardous materials, burning, or combustion. Additionally, there are no harmful air emissions or wastewater pollutants, and the facility is KDHE licensed. The subject property was built in 1959 and includes 18,012 square feet of building space and a large, improved parking area for trucks, storage, and maneuvering. The building consists of multiple tenants; however, this tenant only utilizes the parking area to the west and the rear of the property. The 2012 SUP also included plans for a future treatment plant at the building, however that proposal did not come to fruition and the company only remains only as a transfer station. The applicant is requesting another 10-year renewal as a transfer station under the new company name. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit SP2022-088 for ten (10) years, subject to:

- 1) The following site plan updates are required to meet design criteria and/or ordinance requirements:
 - a) Per Section 8-250(2) the barbed wire must be adjusted to tilt inward.
 - b) To provide adequate connectivity per the Northeast Area Master Plan, the sidewalk connecting from the adjacent parcel west shall be continued with a path leading to the front door of the property as indicated on the staff site plan.
 - c) Per Section 27-700, a maximum of one (1) tree per every 15,000 square feet of site area could be requested. The maximum required trees is nine (9) and staff is proposing three (3) trees be added to the property as indicated on the staff site plan.
 - d) The front parking stripes shall be re-striped in accordance with Sections 27-667-27-676.
- 2) 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.

- 3) 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. ADA Stalls must be 8' wide with an additional accessibility aisle of five (5) feet wide. Two (2) ADAaccessible parking stalls may share one accessibility aisle.
- 4) 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;
- 5) 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.
- 6) The Subject Property has been identified as being within a floodplain and/or floodway. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit. This may result in additional building, plan, or site changes as required.
- 7) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
- 8) The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
- 9) 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) A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org 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) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
- 14) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
- 15) The Special Use Permit shall be valid for 10 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.

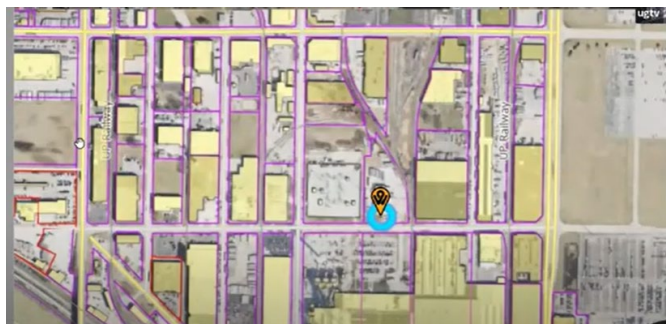
Mayor Garner said I'll ask staff to make some opening remarks, please.

Case	
SP2022-088	
Petitioner	Address
Joe Delloiacovo DBA Cyntox, LLC	200 Funston Road Kansas City, Kansas 66115
Synopsis	
To continue operations at a medical waste processing and transfer facility. The property has maintained the use for a number of years under the name MedAssure Heartland LLC, but has recently been acquired by Cyntox, LLC, requiring a new Special Use Permit, as they are non-transferrable. The building consists of multiple tenants, however, this tenant only utilizes the parking area to the west and the rear of the property.	

Gunnar Hand, Director of Planning and Urban Design, said again, the special use permit is for a medical waste transfer station. This would be their fifth renewal. It's in the Northeast Area Master Plan

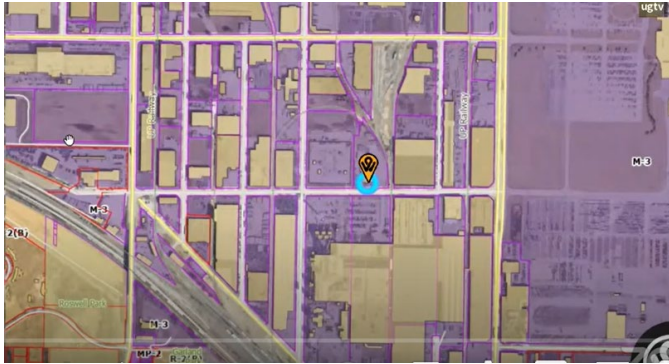


in the Fairfax Industrial District.

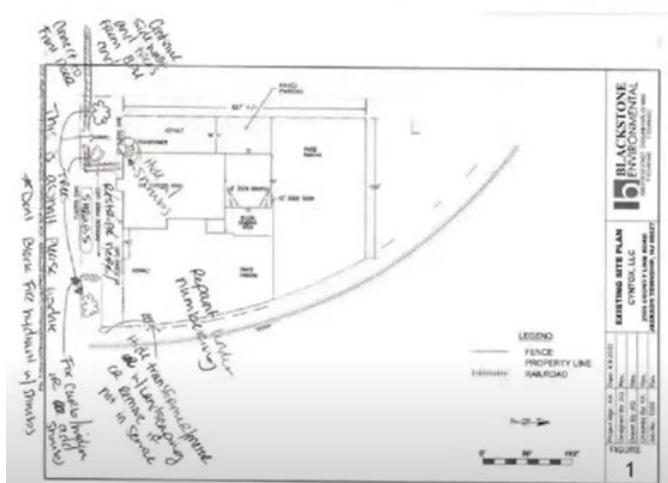
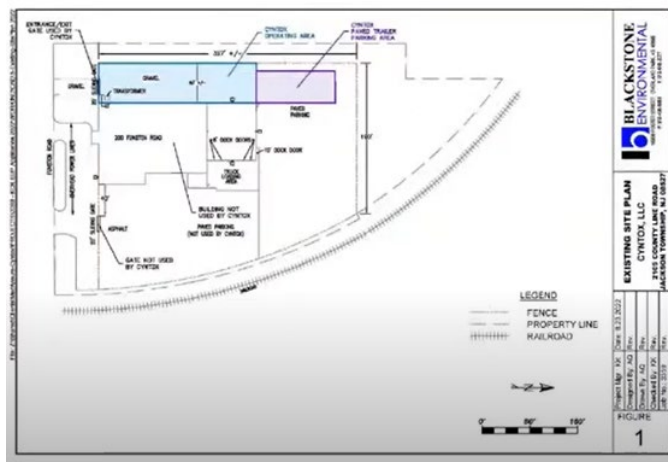


We've received no letters of support; no letters in opposition.

October 27, 2022



There are several older notices of violation that have been resolved on this property. Staff is asking for landscaping and sidewalk improvements on the property. We do agree with the Planning Commission's recommendation for approval for 10 years.



October 27, 2022

Mayor Garner said I'll ask the applicant or representatives to present their application if they're available.

Mayor Garner said I will now open the public hearing and ask the Clerk if you have received any direct notification from the public who wish to express their comments in favor of this item. **Ms. Sparks** said comments have been received.

Mayor Garner asked, is there anyone present in the audience who would like to speak in favor of this item? Is there anyone joining us virtually, Clerk, who would like to speak in favor of this item? **Ms. Sparks** said yes, Mayor, Austin Quick. Please state your name and city of residence.

Austin Quick, Merriam, KS, said I'm with Blackstone Environmental. We've been helping the applicant, Joe Delloiacovo, who I believe is also on the line. He may be able to provide any input for any questions you may have.

We've been assisting them with the special use permit renewal. Effectively, this is for no change in the operation for the existing operations out there.



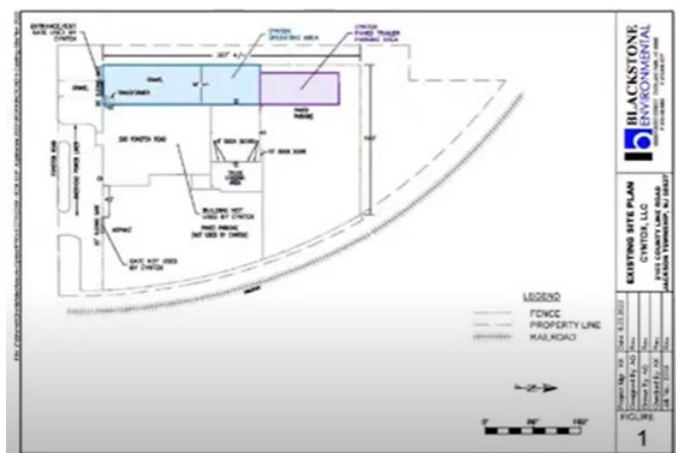


The current SUP is for MedAssure, who was recently acquired by Cyntox, which is the reason for the SUP renewal.



Public Opposition	Public Support
None to date.	None to date.
Staff Recommendation Approval	

Again, no changes to the operation. The operation involves the bringing of medical waste to the parking lot on the west side of the building, as you can see in the site plan. Then it is loaded onto transfer trailers not kept on site. It's loaded directly into the transfer trailers to be exported.



You can see that in the blue hatched area. That is the operating area. To the north of that in the purple hatched area, that is where the transfer trailers are parked.

There were a couple of items, as Gunnar mentioned, that we were wanting to bring up; the landscaping being one of them, the sidewalk being another. The applicant feels he may be able to speak further on this matter. The applicant feels those would be more landowner usage and because we are not occupying any of the building, we are subletting from the primary tenant, that those would be issues that would be more for the primary tenant and the landlord.

I don't know if Joe's on, if he wants to add anymore but, effectively, that is the SUP.

Mayor Garner asked, Clerk, is there anyone else joining us? **Ms. Sparks** said the applicant is now online. State your name and city of residence.

Joe Delloiacovo, Cyntox, Randolph, NJ. As Mr. Quick has indicated or has stated, MedAssure was acquired by Cyntox. I was with MedAssure; now with Cyntox. The operation will remain the same as it has been for the last 10 years. There's no exposure of any of the waste that's brought on site. Everything is containerized according to DOT regulations. No containers are open so it's just a simple transfer from 26 foot straight trucks into tractor trailers, which would then leave the site and transport the waste to our processing plant in Newton, KS.

With regards to the upgrades, we understand that the requirements of the Planning Board indicated certain upgrades. At the moment, though they don't pertain to the area that we occupy, we're not going to protest or appeal any of that. Matter of fact, we did agree to the remaining four out of the eight upgrades that were recommended.

Mayor Garner asked, Clerk, is there anyone else joining us virtually? **Ms. Sparks** said there are no other hands raised.

Mayor Garner asked, Clerk, have you received any direct notifications from the public who wish to express their comments in opposition of this item? **Ms. Sparks** said no comments have been received.

Mayor Garner asked, is there anyone present in the audience today who would like to speak in opposition to this item?

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

Mayor Garner said I will now close the public hearing. If the petitioner is available, you can make some closing arguments.

Mr. Delloiacovo said again, I'd just like to emphasize that the permit application is for an existing operation. It's a renewal for 10 years, as it was back in 2012 when we had proposed this. And, again, there's no changes in the operating methodology that's used for this area. We honestly believe that it should pass.

Mayor Garner asked, do any members of the Commission have any questions or comments you'd like to make in regard to this?

Commissioner Townsend said the reason that I asked for this to be pulled off was there is a change in ownership and that is a concern to the Fairfax Industrial Neighborhood Association or neighborhood group, even though the process is supposed to be the same. Process is often changed when there is a new company involved. So, I would ask the proponent, has he spoken with anyone on the executive branch of the Fairfax Industrial Association? If not, my proposal would be to set this back for one month to allow that to happen. Ten years is a long time for a new company even if you intend to follow the same procedures. So, again, my question is, have you spoken with anyone at FIA?

Mr. Delloiacovo said we were not aware that this was a requirement. We, together with Austin Quick, had contacted the Commission when we first started this process and we weren't made aware of that requirement. Again, it's not a new company. It's an existing company that's been in business for about 10 years. MedAssure was acquired by Cyntox and actually the same employees, the same personnel, drivers, and so forth will be operating the facility. And, again, the language in the permit essentially says that we're going to operate in the same manner that we have been for the last 10 years.

Commissioner Townsend said thank you. Even though it's not a requirement, it would be good practice to talk with Fairfax Industrial. The homework books, so to speak, indicated there is a new owner. With that, it does happen and can happen, the processes and personnel may change, and this is for a 10-year renewal, but under a new company name. So my recommendation would be to hold this for one month to allow the new owners to speak with Fairfax Industrial Association, their executive committee, to clarify any questions or concerns they may have and then bring it back at the next Planning and Zoning meeting of this body.

Action: **Commissioner Townsend made a motion to hold Special Use Permit Application SP2022-088 for one month to allow the new owners to speak with the Fairfax Industrial Association, their executive committee, to clarify any questions or concerns they may have, and then bring it back at the next Planning and Zoning meeting of this body.**

Commissioner Bynum said I don't have a problem with the recommendation, but I'm wondering about the permit. Is it expiring before that time? **Mr. Hand** said because the applicant has filed a special use permit, even if it had expired, we would allow them to continue while it was resolved. So, a continuance for a month would not interfere with their operations.

I would note that they did host a public meeting, and that this notice was given to the Fairfax Industrial District. **Commissioner Bynum** said thank you.

Mayor Garner asked, any other, commissioners, questions/comments? If not, I believe that Commissioner Townsend, she didn't make a motion, but I'll entertain a motion. **Commissioner Townsend** said I believe that I did and it was to send it for a month back. I did speak with executive

members and somehow if the notice was sent, they missed it. So, out of an abundance of caution, now would be the time to take the extra time to let the applicant and Fairfax meet.

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

Commissioner Ramirez said I think Misty may answer my question. It's more of a clarification, if it was sending back or are we holding over? **Misty Brown, Chief Counsel**, said Commissioner Ramirez asked a question that I was just going to ask Commissioner Townsend to clarify her motion. I believe she's holding it over for 30 days and not sending it back, but I don't wish to put words in the commissioner's mouth.

Commissioner Townsend said I may have said send it back and I don't want it sent back to Planning and Zoning, but held over. That would be the appropriate term here for the purpose of having FIA and the applicant discuss in detail this application.

Mayor Garner asked, which commissioner made the second? Does that second stand? **Commissioner Bynum** said yes. Thank you.

Mayor Garner said there's 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, Kane.

VACATION APPLICATION

Item No. 1 – 212056...VACATION APPLICATION VAC2022-006 - PATRICK JOYCE WITH ANDERSON ENGINEERING

Synopsis: Vacation of a utility easement at 324 and 328 N. 64th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Patrick Joyce with Anderson Engineering, is requesting to vacate a portion of a utility easement at 324 and 328 North 64th Terrace. The Planning Commission voted 7 to 0 to recommend approval of Vacation VAC2022-006, subject to:

1. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. 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;
2. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
5. 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,
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Vacation Application VAC2022-006, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

PLAN REVIEW APPLICATIONS

Item No. 1 – 212057...PLAN REVIEW APPLICATION PR2022-020 - FERNANDO GOMEZ WITH ENVISION CONSTRUCTION

Synopsis: Preliminary Plan Review for the construction of a parking lot at 2907 N. 81st Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant,

Fernando Gomez, is requesting a Preliminary Plan Review to construct a parking lot with 13 parking spaces and a crosswalk at 2907 North 81st Street. The Planning Commission voted 7 to 0 to recommend approval of Plan Review PR2022-020, subject to:

1. 36 inch tall, all-season landscape berms shall be installed every three (3) feet along the west-side of the property, to allow screening from headlights, which would shine into the adjacent residential properties;
2. Landscaping shall be installed along the southern edge of the parking lot located behind the church;
3. The applicant shall utilize pervious surface for the new parking lot and drive isle, as to prevent additional water run-off from the new parking lot;
4. The applicant shall apply for a Final Development Plan;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. 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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
9. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
10. 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; and,

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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Plan Review Application PR2022-020, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 2 – 212058...PLAN REVIEW APPLICATION PR2022-027 - HEATHER TROWER WITH LEGACY DEVELOPMENT, LLC

Synopsis: Preliminary and Final Plan Review to construct a multi-tenant space with a drive-thru at 1875 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Heather Trower with Legacy Development, LLC, wants to build a two (2) tenant restaurant, 6,400 square foot building and plat on (1) commercial lot (approved) on 0.58 acres at 1875 Village West Parkway. The Planning Commission voted 7 to 0 to recommend approval of Plan Review PR2022-027, subject to:

1. One (1) space for each 50 square feet of seating area, plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten (10) off-street parking spaces;
2. Greater emphasis should be placed on pedestrian connectivity to the interior part of the Legends Outlets, guests walking within the development should not have to drive to these restaurants. See Granite City, Vision Works, and Village West Dentistry pad site as an example.
 - a) Add a sidewalk/pedestrian path from east side the main entrance drive, off Village West Parkway to the front door of the building;
3. 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 boundaries of the plat;
4. Utility easements shall connect with easements established in adjoining properties;
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
6. The proposed stucco paneling must be true stucco, not a panel installation system;
7. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building. Review the pad sites around The Legends Outlets and incorporate more modular face brick and fiber cement siding. The primary building material is stucco, per the Exterior Finish Legend, however, the building elevations note EIFS;

8. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or,
 - e. Variation in rooflines. The south, east and west elevations do not reflect these aforementioned techniques. Incorporate them into all four sides of the building;
9. The exterior doors along the sides and rear shall be painted to match the building or a complimentary color as the primary building;
10. Downspouts shall be internalized;
11. Sec. 27-577(b)(2) Landscape berms and/or continuous row of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must exceed a maximum height of 30 inches at maturity. There are bare patches along Village West Parkway that need to be replanted and enhanced to screen the drive-thru lane from Village West Parkway;
12. Sec. 27-577(d)(2) At least seventy-five (75) percent of the length of building foundations facing public street, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. The front of the building, facing north needs plantings around the foundation of the building;
13. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Based on the total tract size, six (6) trees are required to be planted per the district requirement and the seventy-five (75) percent multiplier in the Commercial Design Guidelines. This does not include the street trees to be planted along Village West Parkway, which is one (1) tree per thirty (30) feet of frontage along a Major Street, trees planted within parking lot islands, and junipers required for screening BPU transformers and ground mounted utilities;
14. 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);
15. All landscaping shall be irrigated;
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. All rooftop mechanical equipment shall be screened from public view by the parapet. The public view extends to the boundary of the property line and public right-of-way;
18. BPU transformer pad shall be completely screened on three (3) sides with opaque enclosure or 6-foot junipers setback five (5) 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;
19. 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;

20. 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;
21. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
22. Per Business Licensing Department: If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;
23. 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,
24. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Plan Review Application PR2022-027, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 3 - 212059...PLAN REVIEW APPLICATION PR2022-036 - ALEX ELLIOTT WITH ATLAS LAND SURVEYORS

Synopsis: Preliminary Plan Review to construct multi-family houses for senior citizens at 11013 Haskell Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Andrew Danner with AMD Partners, LLC, has applied for a Preliminary Plan Review to build a two (2) story, 34- unit, 37,248 square foot senior living building on 3.62 acres. The

Planning Commission voted 7 to 0 to recommend approval of Plan Review PR2022-036, subject to:

1. A Final Development Plan is required to be submitted to complete this entitlement process;
2. Per Sec. 27-463(b)(1) Any use permitted in the RP-4 Garden Apartment District under the standards of that district, except single-family and two-family dwellings are not permitted in this district;
3. Install a sidewalk along Haskell Avenue;
4. Install a painted hatched crosswalk across the driveway approach;
5. Relocate the proposed sidewalk from Haskell Avenue south in front of the trash enclosure further west and install a painted crosswalk across the drive aisle. The proposed ADA ramp terminates in front of the trash enclosure;
6. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a maximum of one (1) evergreen or one (2) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Buffering plantings will be required in addition to required trees. All multifamily residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required. The site is 3.62 acres, which requires 23 trees, six (6) additional evergreen or shade trees and 34 shrubs for buffering per the zoning district;
7. Plant trees around the retention basins, more than what is shown to buffer the single-family home from this development;
8. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
9. All landscaping shall be irrigated;
10. A six (6) foot privacy fence with masonry columns every 32 feet running shall be constructed along the perimeter of the west property line, abutting the A-G Agriculture and R-1 Single Family Districts. Staff can discuss with the applicant during the Final Development Plan regarding keeping the existing tree stands, but also installing the fence to meet the code requirement;
11. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
12. All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
13. All electrical meter banks, typically on the side of the building shall be screened from public view;
14. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the

transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;

15. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
16. Satellite dishes shall not be erected on the exterior of patios, balconies, or rooftops. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
17. All exterior lighting, whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. No light may cast on adjacent right-of-way or on adjoining property. Lighting cannot exceed one (1) footcandle at the property line;
18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
19. Per Business Licensing Department: If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;
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. 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;
22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
23. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
24. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Plan Review Application PR2022-036, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

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

Item No. 1 – 212061...AN ORDINANCE rezoning property at approximately 1313 Quindaro Boulevard (COZ2021-054), 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-147-22**, “An ordinance rezoning property hereinafter described located at approximately 1313 Quindaro Boulevard, 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 Kane 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, Kane.

Item No. 2 – 212062...AN ORDINANCE rezoning property at approximately 4744 Georgia Avenue (COZ2022-022), from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-148-22**, “An ordinance rezoning property hereinafter described located at approximately 4744 Georgia Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family District.” **Commissioner Kane 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, Kane.

Item No. 3 – 212064...AN ORDINANCE rezoning property at approximately 2640 Woodend Lane (COZ2022-023), from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-149-22**, “An ordinance rezoning property hereinafter described located at approximately 2640 Woodend Lane, in Kansas City, Kansas, by changing the same from its present zoning of RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 4 – 212065..AN ORDINANCE authorizing a Special Use Permit (SP2022-073) for a private facility for recreation (outdoor youth experience with nature trails and walks) at 2640 Woodend Lane, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-150-22**, “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 private facility for recreation (outdoor youth experience with nature trails and walks) at 2640 Woodend Lane.” **Commissioner Kane 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, Kane.

Item No. 5 – 212067...AN ORDINANCE rezoning property at approximately 6840 Cernech Road (COZ2022-026) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-151-22**, “An ordinance rezoning property hereinafter described located at approximately 6840 Cernech Road, in Kansas City, Kansas, by

changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 6 – 212068...AN ORDINANCE authorizing a Special Use Permit (SP2022-082) for a Short-Term Rental at 419 N. 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-152-22**, “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 419 N. 6th Street.” **Commissioner Kane 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, Kane.

MASTER PLAN AMENDMENTS

Item No. 1 – 212070...MASTER PLAN AMENDMENT MPL2022-015 - LIDIA VILLAR WITH VILLAR & COMPANY, LLC

Synopsis: Master Plan Amendment from Urban Density (Armourdale Area Master Plan) to Community Commercial (Armourdale Area Master Plan) to construct a neighborhood market at 1218 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **This item was previously heard with Change of Zone Application COZ2022-027.**

Item No. 2 - 212072...MASTER PLAN AMENDMENT MPL2022-019 - DERRICK MERCHANT WITH 7B BUILDING AND DEVELOPMENT

Synopsis: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to construct a car wash at 4810 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone Application COZ2022-034.

Mayor Garner said we are now going to the Planning and Zoning Non-Consent Agenda portion of this meeting.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212042...CHANGE OF ZONE APPLICATION COZ2021-048 - BLAIR TANNER WITH TANNER & WHITE PROPERTIES

Synopsis: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 149-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard. The Planning Commission voted 6 to 2 to recommend approval of Change of Zone COZ2021-048, subject to:

1. A Final Development Plan is required to complete this entitlement process;
2. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
3. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
4. Paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard;
5. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than 50 units must provide two (2) of the following:
 - Enclosed dog yard with seating area and shade trees;
 - Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;
 - 400 square foot play area with play structure;

- Resident garden area with water access (must be in active use);
 - Swimming pool;
 - Rooftop patio; or
 - Five (5) square feet or greater balconies for all units. All buildings must provide enclosed and ground level storage for resident bicycles;
6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
 7. Only decorative lighting can be used on the exterior of the building(s);
 8. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
 9. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;
 10. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than 30 feet and must be broken via setbacks or offsets. The applicant must ask for a 212.53-foot deviation of the north façade from the City Planning Commission for a deviation in the Urban Residential Multi-Family Design Guidelines;
 11. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every 30 feet.
The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;
 12. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.
Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required. The site is 1.89 acres, which requires 18 trees, 21 additional shade trees and 167 shrubs per the zoning district;
 13. Street trees are to be provided at one (1) tree for every 30 feet of frontage along a major street;
 14. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
 15. All landscaping shall be irrigated;
 16. All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by the parapet;
 17. All electrical meter banks, typically on the side of the building shall be screened from public view;

18. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
19. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
20. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
21. The trash enclosure shall be internalized in the garage;
22. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
23. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
24. 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;
25. All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;
26. 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;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
28. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
29. 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 (check made payable to the Unified Treasurer) immediately

following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Mayor Garner said I believe that the Planning Commission recommended approval by a vote of 6 to 2. As the Clerk previously stated, we have received a valid protest petition on this item representing 22.64% of the land owners. I'm going to ask our Legal Counsel, Ms. Brown, to provide the Commission's options in light of the valid protest petition.

Misty Brown, Chief Counsel, asked, Mayor, would you like to turn it over to Mr. Hand to introduce the item first? **Mayor Garner** asked, could you approach? The counsel has noted that the petition is valid at this point. I'm going to ask Mr. Hand to make some comments on this matter.

Case ugtv	
COZ2021-048	
Petitioner	Address
Blair Tanner 🗳️	4601 Rainbow Boulevard Kansas City, Kansas 66103
Synopsis	
Rezoning from CP-1 Planned Limited Business and R-1(B) Single Family District to RP-6 Planned High-Rise Apartment District to build a 5 – 7 story, 149-unit apartment building. The Board of Zoning Appeals approved a setback variance at their October 10, 2022 hearing.	

Gunnar Hand, Director of Planning and Urban Design, said, again, this case is for rezoning from C-1 and R-1 to RP-6. This, if you recall, this case was remanded back to the Planning Commission in May to redesign and resubmit. The applicants did that over this past summer, came back to both the Board of Zoning Appeals and the Planning Commission earlier this month. Their BOZA Case 2022-046 for a rear yard setback was approved by the Board of Zoning Appeals earlier this month. The City Planning Commission did recommend approval, but also approved the deviation from the Rosedale Area Master Plan.



This is in the Rosedale Area Master Plan



right on the county line at Rainbow & West 46th Avenue. We received letters in support; letters in opposition. There are no notices of violation on this property. A final development plan is required. Staff does agree with Planning Commission's recommendation of approval.

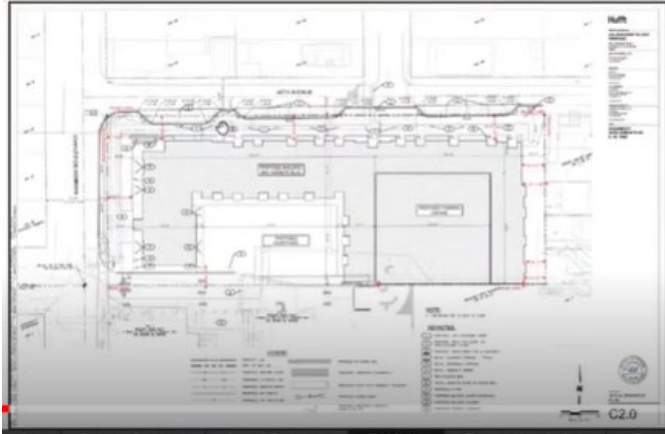
We did mention there was a valid protest petition; however, the applicants are contesting that protest petition. Staff requires additional time to review that contest. So, staff would recommend and ask for a continuance of this item to the November P&Z meeting.



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

October 27, 2022

Bob Johnson, Polsinelli Law Firm, 900 West 48th Place, KCMO, (business address), said I'll start by saying that I would support Gunnar's position here on the protest petition consideration. This is not a circumstance where, as a developer, we categorically just because there was a protest petition object to it.



There's some very serious and significant flaws with the petition which we believe will ultimately lead to the petition being invalidated. We believe as a result of that—and then those issues have begun to be discussed with staff. We did receive the petition today in the afternoon so we've worked through those issues very rapidly this afternoon. But as Gunnar said, staff, including Patrick Waters who is returning to office on Monday, will be back to consider our objections. As such, we would ask that the presentation and public testimony be held over to that meeting as well. I think that would be best process so that it can all be considered under the light of such an important and critical piece of this, which would be the voting threshold. That, of course, is your discretion. If you would like me to proceed with the full presentation, I'm happy to do that and would like to ask for my full allotted time. You'd like me to proceed with the whole presentation?

Mayor Garner said go ahead. **Mr. Johnson** said okay. **Mayor Garner** said standby. Is it our understanding you do not want to do the presentation? You want to hold that over?



Mr. Johnson said I will do whatever the Mayor and the Commission would like. I will do my full presentation if you'd like to hear it. If you allow public testimony, I would like to make...**Mayor Garner** said I guess my question is, are you requesting not to do the presentation tonight? **Mr. Johnson** said that is my request. I think that is best process. Yes, sir. **Mayor Garner** said okay. All right. Thank you.

Mayor Garner said I will 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? I'm going to turn it over to our Chief Counsel and she's going to make some clarifications.

Ms. Brown said because this is a Planning and Zoning item, I understand that you are requesting not to give—you would prefer not to give a presentation if public testimony was not going to be given; but the Mayor does have to open the public hearing at this point. Anybody who wishes to speak can do it. I would note that if the item is deferred, which is your request/staff's request, it's frankly going to be my recommendation as well, that everyone will have a chance to give their testimony later when this item is deferred, but knowing that the Mayor and this note has been given to everyone, are you wishing to go ahead and proceed with your presentation knowing that there may very well be folks who wish to comment at the public hearing portion tonight?

Mr. Johnson said I will make my presentation then. Thank you. **Mayor Garner** said okay. You can proceed.

Mr. Johnson said a bit of an odd foot to start off on, but appreciate the time here. I'll introduce our team. Again, Bob Johnson with Polsinelli Law Firm, representing a joint venture development team of Blair Tanner of Tanner & White Properties; and Aaron Mesmer of Block Real Estate. Also with us is Huft Architecture, the architects for the project; and my paralegal, Amy Grant.

A little quick note about Block—and by the way, I do know that we'd like to keep this to a time limit. There is a lot of information here, so I will move through this as rapidly as I can, but I would ask for some grace and relief if we're running close to the end.

Block Real Estate owns thousands of units in the metro area. They've been in business for decades. They have not sold a single multifamily unit. They are a build and hold developer. They have excellent, pristine reputation. This is a group that's going to build this project to the highest standards. It does matter that you're not just an immersion developer; that you're a building hold developer because you do tend to build to a higher standard. You spend a little bit more money, frankly, because you know you're not getting out of that project in a very short period of time. I think Block's reputation would precede itself in the quality of the project here and the quality of the people you'll be interacting with.

Blair Tanner, same thing. His family has owned the Woodside Club property and the Woodside Village North development directly to the south for decades as well; entrenched in the community. We'll be here a long time. This is a team that will be here, that you'll know that will be in your community. Is committed to coming to the Unified Government, Kansas City, KS, and doing something of significance in a project that is special and something at the gateway of the city that this city will be proud of.

We stand before you with a positive recommendation of the Planning Commission, as noted, and your professional staff and with the grounds full of community support, especially after the third iteration of the project that we presented publicly at the third neighborhood meeting we held represented by 60 support letters I'm sure which you've received through your emails, 43 which are residents in the near vicinity of the project, 7 are businesses in and near the vicinity of the project, and 10 other residents and community leaders that are supportive of the project. So, I think we've come a long way with regard to our engagement in the community and the development and changes that have been made to the project. I'll demonstrate some of those and also give you an overview of our project here as we move forward.

I presume that you've reviewed the public testimony at the statutorily required public hearing at the Planning Commission. I won't retread all of that in respect of this body and respect of the robust discussion there that said, if there's something that you would like to address that I don't when it comes up in public testimony, please ask me. Also, we'd appreciate the opportunity

to address any comments that are raised in public testimony that I don't proactively hit on here tonight just to be as inclusive as possible, but also move through this rapidly.



The first few slides show the location of the project. This was just pulled out here. An overview aerial is at the northeast corner



of 47th & Rainbow. This just shows that means it's on the county line. It is truly the gateway to Wyandotte County as you move northward on Rainbow. In as such, we believe it's a very critical site to be done in a significant way and to produce a project that is, as you enter into Wyandotte County, representative of where Wyandotte County has been, is now, and is headed into the future of which would be indicative of the quality that should be constructed at this site.



This is the current aerial of the site. You can see the hash boundaries of the property. The site today. You can see a little bit of opaque, but there's a building on the west side of the site. It is vacant. It was Midwest Transplant Organ storage for some time. That is no longer in operation. It hasn't been for years. There's also a large parking field on, I'll say, three-fourths of the site today that is used by KU to shuttle it's parking up northward to its campus. You can see the curb cut that exists on Rainbow today. So, there's a lot of peak traffic today coming in and out of the site used by KU.

You can see to the south that Woodside Village North project I referenced. That is a different entity, but common ownership here with Mr. Tanner, built, owns, and operates that project. 100% leased. A very well received project. Very high quality project indicative of the quality you would get here.

You can see the southwest corner of the intersection the Westwood City Hall. Directly west across Rainbow there is a car wash, other commercial business to the north; and then directly north of our site there is a commercial dental office that is adjacent to the building area that's on our site today. Then, the single family Spring Valley neighborhood as you move east along 46th Ave. on the north side of this site.



These are pictures, the next couple of slides, of the current conditions of the site. A couple of things I'll point out. That's the building that's vacant there today. There's the parking field. You can see on the upper right corner and the bottom left corner, the Woodside Village North project, as I referenced before that is in Westwood. Then, in the bottom right, I think the next slide has several pictures showing the same thing.



This is 46th Ave., which is on the north side of our site. You can see today it's a two-lane road, but there are cars that park along 46th which constricts traffic flow through the street often making it a single-lane road if there are cars parked parallel there. You can see, also, there's no sidewalk and you can see how the site slopes up there to the south toward the existing parking lot.



This is the site plan in 2D, and I'll get to a 3D here in a second. I will walk through some of the features of the plan here though. Sometimes it's difficult in 2D, but I will do my best to show you some features of the plan.

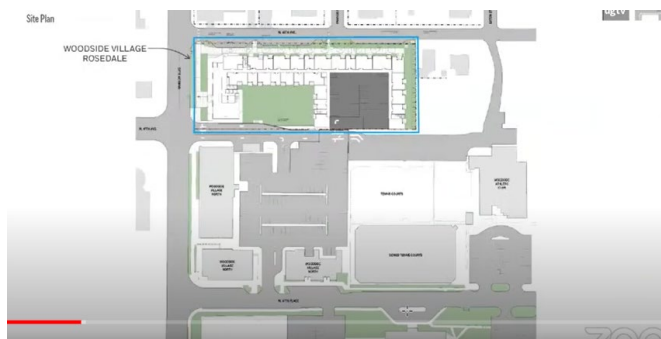
This is a multifamily building, 149 units. We're going to add sidewalk in the north side of the building. We're going to widen the sidewalk and put a new sidewalk along Rainbow, include a landscape buffer. You can see there in green along Rainbow, essentially focus this project around walkability, creating safety on both Rainbow and 46th St. through our addition of landscape buffers and the sidewalks and the pocket park there on 46th. You can see that bumping out toward Francis. That's a pocket park. It will be a gathering area that we anticipate our residents will use and mingle with many folks that will be walking through the area that currently habit the area.

Other features you can see on the 2D. The grey box. That's the parking structure. It will be completely wrapped by units. We're offering one stall, at minimum, per build. That's per bedroom, excuse me. So, we're sufficiently parking every resident and we will have guest spaces,

so we're providing all parking for residents and guests within our parking garage. We are also adding, however, on our property, parallel parking stalls. You can see the hash lines. That's the property line. Then you can see right where Gunnar has his cursor, the parallel parking stalls that will be built. So, we're pulling that parking that's on 46th today parking in the right-of-way off the right-of-way, putting it entirely onto our property and enhancing safety along 46th as a result.

You can see there's an inner courtyard. That's the green space that you can see there.

A couple of other things to note. All of the ingress/egress for the project is on 47th. That is currently built ingress/egress today. You can see the arrows down there on the south side of the project. That drive is used to access the garage to the Woodside Village North project to the south. It will be similarly used to access the garage to our building. That is the only ingress/egress point to the facility.



Just a pulled out aerial. You can see the interrelation between the project to the south and our project and how they will utilize that shared drive.



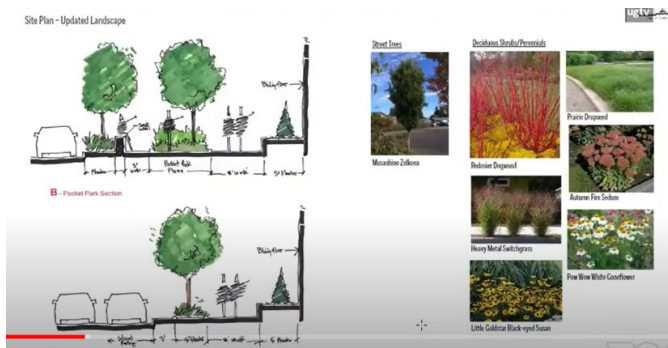
This is the 3D model of the building. You can see that it has varying heights in the building. It has varying materials. It has articulation of the façade, both horizontal and vertical. The density

of the building is primarily pushed to Rainbow. You can see the taller portion of the building is along Rainbow street frontage. It drops down to five stories as you go east along 46th. In the northeast corner, it drops down to two stories with the notch out of the building, if you will.

The parking garage is completely covered. You can see it here in this aerial. Again, it's completely wrapped by units. You can also see the significance of the landscaping in this rendering. There will be four layers of landscaping along 46th creating a buffering and a softening of the building. The parallel parking is also evident as you can see here.



The next two slides I will just go through quickly. These are just some additional depictions of the enhanced nature of the landscaping.



The top left just shows the four layers of the landscaping that will be constructed adjacent to the project, and then some of the choices for the landscaping there on the right.



Here's the first rendering. This will be a series of renderings of the project. We'll just walk around the different sides of the building. This is the corner of 46th & Rainbow. You can see there's a two-story lobby. That is meant to activate Rainbow. It is the intent of the master plan and the design of this project that you'll have a street front that will be very aesthetically pleasing and it will be, as I said, as you enter into Kansas City, KS, a project of significance is something that I think will immediately catch the eye that is impressive to folks entering into Kansas City, KS.

You can see that there is a large landscape buffer added along Rainbow. Currently—I'll show this later in the presentation. There is no buffer between the sidewalk and Rainbow and essentially no curb either creating a fairly dangerous condition. We're going to move that sidewalk east by quite a bit and put a large landscape buffer with tall landscaping in there that will be not only attractive to the eye, but will create a much safer condition for enhanced walkability and pedestrian activity along Rainbow. You can see that connects right into the sidewalk going along 46th.



This is just a drawn-in section of that activated Rainbow street front and that landscape buffer along Rainbow. To the south, that's the Woodside Village North project that exists, the white colored building up there and cream colored. You can see that drive that is shown, that's the existing 47th St. Dr. That will be the shared access point for our project and Woodside Village North.

You can see really in the distance there past the drive, that's where our trash will be kept. We're keeping all of our trash actually in Johnson County. We're not even keeping it in Wyandotte County. We're moving it entirely across county line, so the trash trucks will all go in and out of 47th as well. They will not go along 46th adjacent to any single-family homes.



Again, this is the same perspective moving closer now facing 46th, the lobby, the two-story lobby with glazing. Very attractive, unique architecture that will create that look of significance.



Now, this is from 46th. You can see the bike share component that we'll be adding there on that corner. Again, all in vein of enhancing walkability, connectivity, alternate modes of transportation, and adding options for residents both in the community and at our facility to utilize those bikes and to have connections up and down Rainbow.



This is looking along 46th now. This is where the building drops down to five stories. You can see the varying materials, the articulation of the façade. You can see the inset and outset balconies. You can see the cementitious Nichiha material that looks like wood. It's not wood. It's cementitious material that withstands weather but has a very unique and aesthetically pleasing look. It will be intergraded into the project. This is representative of exactly what the project will look like. These are materials that are in our plans.

You can see that the ground floor is set back. I'll show you some better renderings in a minute, but those are townhome style units that have a walkout meant essentially to create that townhome feel because we want this community to be integrated into the existing community. We don't want a set-aside, walled-off building. We want something where people are coming out, engaging in the community, becoming part of the community.

Mr. Tanner's Woodside Village North project, I mentioned, is 100% leased. It has a high retention rate. We think people will move here and stay here; move here and stay in the neighborhood if they do decide to move into single-family homes. That has been the strong trend at his Westwood project. Either people stay; many people have bought homes, those who have left in the Westwood neighborhood. We think the exact same thing here will occur in Kansas City, KS.



This is the pocket park. You can see, again, they're the townhome style units, the walk-ups, the doors at the bottom, again, engagement at the ground street level. It creates a very attractive and lively atmosphere here with the engagement of the community pocket park.



You can see the parallel parking stalls here along 46th. Again, this is a good view, I think, of the building, the articulation in both the set back below and I talked about horizontal articulation, that's what I mean. And at the top you can see that the 5th level is also set back a number of feet so that from ground level it is not visible and set back, again, so it diminishes the massing of the building.



Again, the same thing. The next two you if you can move through fairly quickly.

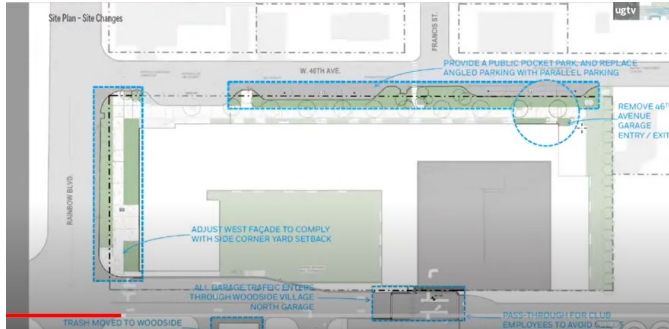


The townhome style units and the significance of the landscaping.



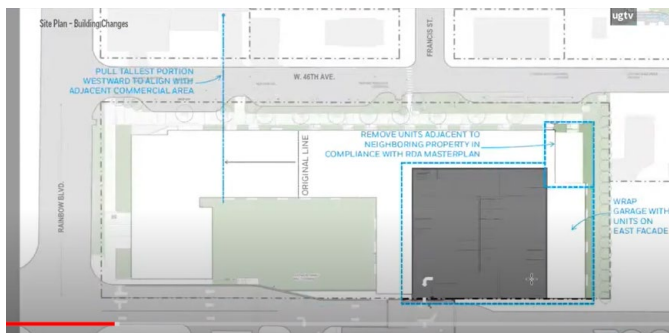
This is the original site plan. I'll just briefly go through some of the changes. You can see there was parallel parking along 46th. It was requested by many residents for traffic calming purposes to change those into, excuse me, there were angled spaces initially. We've changed those into parallel spots, as requested by many of the residents. We had a parking garage that was flushed with our eastern/southern property lines. We have moved that inward to the west and wrapped it with units so that it can't be seen at all. We have shrunk our courtyard for that purpose. We've also, you can see the line. In 2D, it's a little difficult, but you can see the line in the middle of our building. That's where the density was extending to previously, which is adjacent to one single-family home. We pulled that to the west so the density of our project is entirely adjacent to the commercial property to the north and not adjacent to any single-family homes.

You can also see we had an ingress/egress on 46th on the northeast corner of the building, initially. At the request of the neighborhood, we removed that and are routing all of our traffic to 47th St.

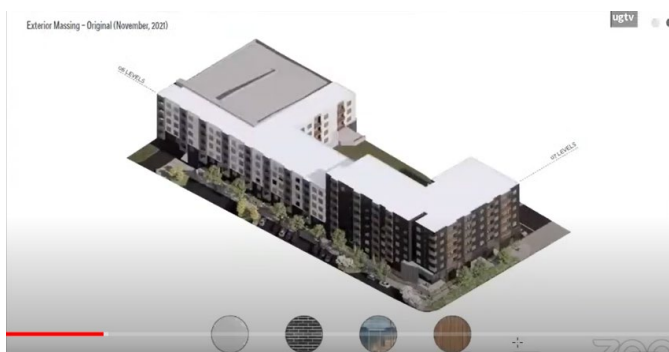


A couple of other items of note here, not a very easy slide to read. The trash was moved to the south onto our property in Johnson County, as I mentioned. We also pulled our building—we shrunk our building to the east to increase that setback and increase that buffering area along Rainbow as well to enhance the walkability.

There's one more note. We're going to restrict access for the Woodside employees along Eaton St. We're going to gate that off and route all of that traffic onto 47th as well and those employees will pass through 47th. So, all the employee traffic for Woodside will be taken off 46th also.



We notched the corner of our building out in the northeast. This is better seen in the 3D rendering.



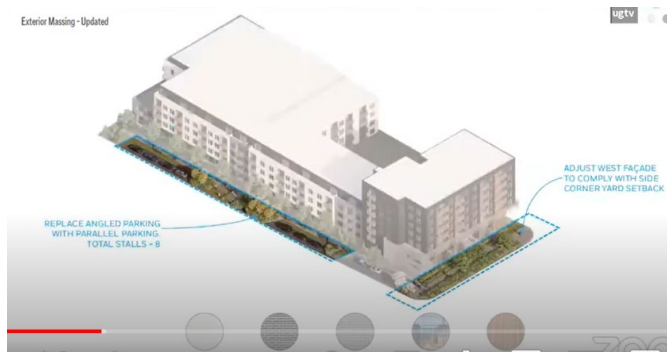
This is the original plan. You can see the density that was extending further east before and also the garage that was flushed with the building line and the angled-in spots and the 6th floor as it dropped down.



We maintained six floors on the eastern side of our project. We did move the density toward Rainbow.



That was the second iteration. This is the last one. So, we completely sliced off the floor of the building. We lost 22 units in doing so and dropped the height of the building after a year of discussion and three neighborhood meetings on this issue. This is something that was a very significant move from the developer and something that was long considered whether it was feasible. Decided at 22 units, that is the project that we can carry forward that would be to the most minimal feasible degree, but something that we do believe can be executed at this location.



These are just explaining the things that I've already discussed.



This is our original massing in blue hash. It's showing where the building started, the density that was masing in our building before all of that was taken out and 22 units were lost in the current iteration.



This is just showing the setback on the 5th floor as I mentioned.



Now we'll just get into some perspective as the building relates to the single-family neighborhood to the north. I think the thing that's the most instructive to point out on this slide, this is the current aerial. The blue is the footprint of the future building. You can see that the current property line where the curb is built to now, is significantly farther north than where our building footprint will be once constructed. All of that area where you see those cars parked now north of the blue filled in area and where you see some of those trees, that's the area where we're going to be pulling the parking off the street. We're going to be creating a sidewalk. We're going to be creating the landscape buffer. All of that will become part of that community engagement area we talked about earlier. You see the building is 76 feet from the home, kind of in the center of the building, and 64 feet from the building on the eastern portion adjacent to our building.



This is a cross-section of those two homes that I mentioned. There are two homes adjacent to our building; directly adjacent. You can see that the site today sits 8 feet above the ground floor level of those homes. In the street there between the building and the building frontage, the home frontage, and the site today is 56 feet.



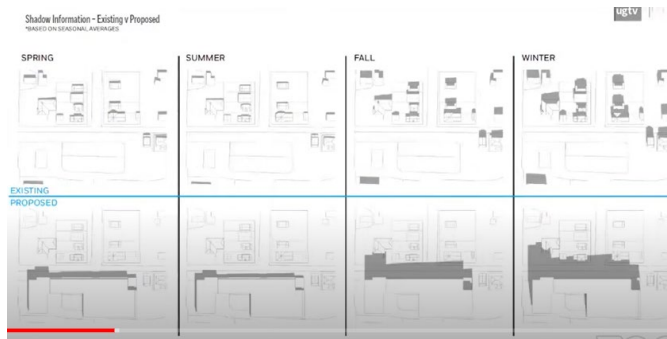
This adds some detail here. You can see that when there's cars parked there, that's an additional 6 feet encroachment into the right-of-way. You can see there how the current condition is represented from the 8 feet elevation to the ground floor today.



We are going to cut into the earth 5 feet and drop the building so that the site is going to be lowered 5 feet, is what I'm saying. We're also going to push the building back from the property line, as I mentioned, so that between the building frontage and our building, you're adding 76 feet. What this shows is that we're going to move that parking off the right-of-way, and all that parking shown on this site plan is on our property, and we're going to push the building back.

I will note that we are 59 feet here, the 3 feet of elevation in brown, and then a 56 foot building adjacent to those two homes. If you build a single-family home on the 8 foot elevation that's there today, that would be 43 feet. So, that would be a 16 foot difference between our building and what a single-family home could be built today. You could build that single-family

home closer as well to the property line as you could build our building. I think for scale and for comparison, the 16 feet, I think, is representative of what the lowest possible density to our building could be. I think that perspective is important to consider.



Meaning that if a single-family home was built on that lot at 43 feet, it would cast a shadow down southward, excuse me, northward down Francis St. Just as today in the currently built environment, homes cast a shadow northward down the street on Francis on the homes to the north of them. In the winter months when the days are shortest, in the currently built environment, shadows cast by built conditions and mature trees, those homes are casting shadows each upon each other.

Our building will similarly, in the three winter months only. We don't create shadow impacts in three seasons of the year. It will be three months of the year, in the winter months, when other homes are casting shadows, again, progressively as you go north down Francis St., we will cast shadow on two homes, the two homes directly adjacent to the project. No other northward of the project.

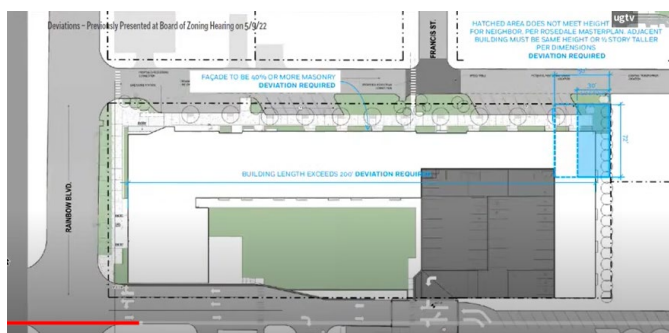
A critical move here, if you will, when we reduced the floor of the building from 6 to 5, the shadows on those two homes in those three winter months will reduce 15 and 19%, respectively, which, Mr. Hand, if you listened to the testimony at Planning Commission, means significant and deemed in keeping with this governing body's recommendation that we consider and address shadows and reduce the impact of shadows that you remanded in the May meeting.

Woodside Village Rosedale – Bringing new vitality and density to the corner of Rainbow Boulevard and West 46th Avenue

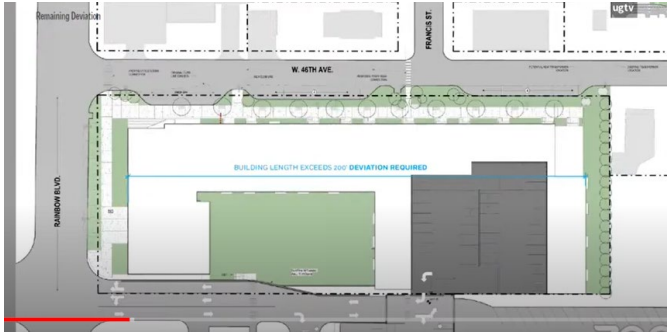


Also in the remand, we were requested to consider the impact to the master plan upon this project. We started this project. These are the four goals that the developer set out at the initial outset of designing this project. The last one is the one I want to jump to and that is starting with the Rosedale Master Plan in mind. Of course, many cities, many communities have one comprehensive master plan; one size fits all. We know that in this community there has been painstaking efforts put into the Rosedale Master Plan from a lot of stakeholders. It started with the premise that we knew that was a critical document to follow in both its macro goals and its design guidelines.

To cut to the chase, and I'll give some details in the middle here in a second, staff, the independent arbiter, independent evaluator of the consideration of the master plan compliances deemed us in compliance with the master plan both from the goals of the master plan and the design guidelines of the master plan. We have a deviation that remains, and I'll speak to it in a second. Staff has deemed that we have met that guideline that we are asking the deviation from.



We started off with several more deviations. We've taken those off the table.



We have one deviation remaining from the design guidelines of the master plan. Before I go to that, I would like to speak to the macro goals of the master plan because I think those are significant here in consideration of why we designed this project. Why we went forward with this project at this site.

The goals of the master plan speaks to activation of Rainbow street front. I think as we've walked through earlier, there is a strong emphasis on activating Rainbow street front, creating pedestrian connectivity and enhanced walkability, and creating an area of significance along Rainbow. Those are very well pointed out goals in the master plan and ones that were dealt with emphasis at the outset of the design.

Further, the master plan speaks to housing diversity. I think it means different things to different people. I would proffer that housing diversity, as the master plan speaks to, means multiple things but certainly means two things. It means different types of housing. It means townhomes. It means multifamily. It means single family. It means different types of options for housing for different people at different points in their life, different economic spectrum. It points to the economic spectrum, different styles of living. Then there's by choice. Renters who want to live in multifamily. Renters who want to live in townhomes. People who want to live in single family. Housing diversity is encompassing different types of housing.

It also means housing at different price points. From a supply and demand perspective, restricting housing at a higher-end price point creates less supply of housing. It creates an environment where housing prices are going to be higher because there's less supply of housing. To completely block out higher-end housing because we want affordable housing, which is certainly a laudable goal, one that our team is fully in support of but we don't think it's an appropriate use at this site. It's not the means to the end to achieve that goal. So, again, while we support the goal of affordable housing and believe that is a critical piece of the master plan, it does not mean that we restrict housing at other ends of the pricing spectrum. I think it subverts the goal

of obtaining affordable housing. It also removes an option for housing in this community where there's demand. There's demand here right now. The market wants this. So, to artificially restrict it to achieve a goal which it will subvert actually to achieve, we don't think it's good policy and a reason that this project should not be considered for approval.

Further, the site is identified specifically in the master plan for urban mixed-use. Urban mixed-use supports multifamily of 3 plus stories. We targeted this site because it was targeted in the master plan for exactly this use.

Speaking to the deviation, there is a large group and expansive body of design guidelines in the master plan. We have met all of those with one exception. That would be the building length of 200 feet. There are many reasons for this. When you have a building with structured parking, as any building in urban mixed-use would need at this site, that garage is 140 feet. When you wrap that with building, you're over 200 feet as a starting point. To obtain the goal for this site, urban mixed-use, a one size fits all of 200 feet building length does not work to achieve that goal practically. It simply can't be done. You'd be hard-pressed to find any building, class A building with wrapped structured parking in the metro area, any of which have been built in the last 10 years. One approved in the UG, that's the Hudson that actually received this exact deviation not long ago. All of them are longer than 200 feet.

The reason, as I've expressed, in order to obtain it or implement the building that achieves the goals that is identified for this site, you need the structured parking. As a result, the building will be longer than 200 feet. Beyond that, the intent of the guideline of the 200 feet restriction, as Gunnar explained very thoroughly at the Planning Commission meeting is twofold. First, it is to prevent institutional looking façade. Think about a long, blank canvass wall at an industrial building. It has no articulation. It's one color, very few windows, if any. That's what you're talking about trying to prevent.

You're also trying to prevent a situation in the greenfield development where you're going into an area that is undeveloped and you have multiple buildings and you want to break those buildings up into multiple buildings. Gunnar can speak to this more artfully than me. I will just say this. That 200 foot guideline is not intended to deal with infill projects like this that need to have structured parking to exist whatsoever. The way that you deal with a building and not run afoul of creating an institutional-looking façade is through architectural treatment.

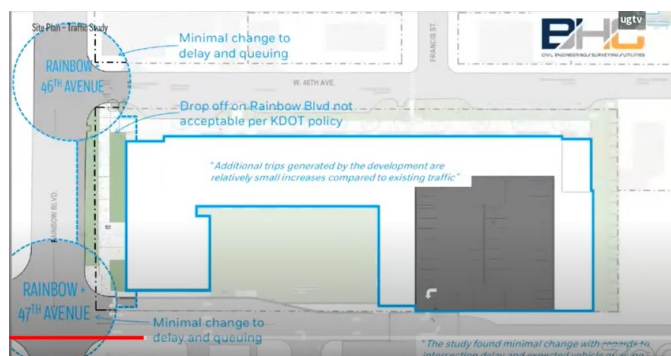


It's through variation of materials. It's through variation of articulation in the building, insets in the building, both vertical. As you see going along the building, it goes in and out and horizontally. The building goes in at the bottom, in at the top. There's density to the west. The building has variance in height. It has substantial landscaping. All of these things create aesthetics that look different at different angles. You could hardly stand anywhere and look at this building and see the same thing. This is not a long, flat, institutional façade. It's completely the opposite. This is a very standard practice in dealing with creating interesting, aesthetically pleasing facades. Facades that do not create an institutional look. Facades that meet the intent of the guideline, as Gunnar, as staff have determined independently agrees with.

Certainly, I have a stake in this. My client does. Certainly, other groups have a stake in wanting no deviations from a master plan. Independent evaluator, who sees development projects every day, has said this is exactly how you deal with the intent of preventing institutional-looking facades. It's designing a building with all these varying elements and creating an architecturally and aesthetically pleasing building.



This is just showing the same thing from a different angle; all of the variations of the building.



This slide doesn't do justice really essentially to what I'm going to talk about, but another request that was made from the community was do a full-blown new traffic study. It wasn't something that was required. A traffic trip generation memo on top of prior traffic counts was what staff directed here. We followed that and have been following that guideline, however, we said okay. Let's do that. Let's go and take current counts in July, not during the holiday. We took counts and determined exactly what we knew was true already. There is zero change in level of service at 46th & Rainbow. Zero change in level of service at 47th & Rainbow. Zero change in service at Rainbow & 47th Pl. There will not be a negative impact on your traffic network caused by this project.

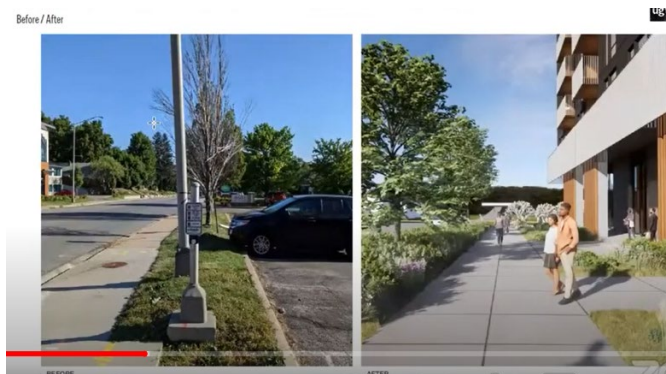
Traffic on 46th, which is the street, of course, adjacent to the single family, 5% of the trips are distributed along 46th. There is just the negligible, there's negligible impact on 46th. There will not be a traffic issue created by this project whatsoever. Conclusive study, vetted by staff, there is not an issue with traffic caused by this project.

I will say one thing additionally. We have a drop-off zone on 46th that is adjacent to the commercial property only. That is used intermittently by FedEx drop-off trucks. We've had a lot of discussion on this point. We believe, there may be a difference of opinion, but we believe those are trucks that are transversing the area to drop off packages today. They will come and they'll stop here. They'll be there for less than a minute. We will patrol that area. We will keep them moving. This is not an area where trucks are going to park for a long time.

At the request of some members of the community, we were asked to request KDOT—Rainbow is a state highway—could we put that drop-off zone on Rainbow? We said okay. We're happy to push that forward. We did. We put that in front of KDOT and KDOT said absolutely not. It's completely safe on 46th. The traffic study is conclusive. There's no issue on 46th. It would be a traffic issue; it would be a problem. The adjacency to the intersections if you put that

drop-off on Rainbow, would create dangerous conditions. We made the request, we pushed it forward through several layers of KDOT, and they said no. We're not going to allow that to happen.

Really not much more to say here. I'll certainly answer any questions about traffic, but it's been something that's been heavily discussed. The fact of the matter is the study current counts are proving out there's not a traffic problem with this project.

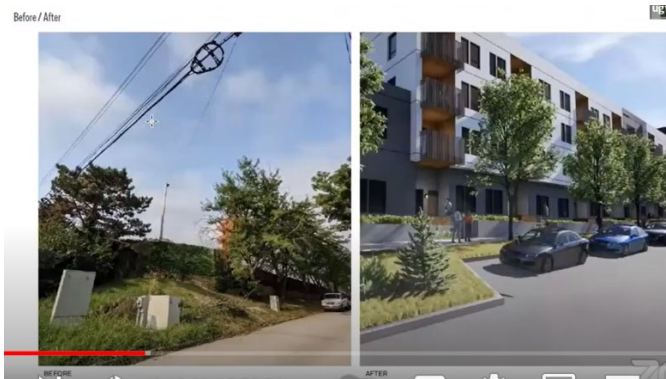


Existing conditions versus today's conditions just to pull it all together and show you what the area looks like today to what the area will look like after we build it out. This is along Rainbow. As you can see, we talked about the sidewalk that is flushed with Rainbow today and essentially a non-curb there on Rainbow. Very dangerous condition. We are going to widen that sidewalk, move it east onto our property further, and we're going to create that significant landscape buffer and also add that two-story lobby to activate Rainbow in meeting the intent of the master plan with regard to activation of Rainbow.



This is 46th. You can see today the site slopes up to that 8 foot grade. You have the fencing, you have the area where the cars parallel park, and no sidewalk. That will be changed completely to

wide sidewalk, pocket park, and then the units that will be townhome style, walk-out units, to integrate into the community.



Another view along 46th, again, representing current conditions on the left and the way that will be enhanced and dramatically improve aesthetics standpoint when the project is constructed.



That concludes the presentation. I'll stand for any questions, but also appreciate the opportunity to come up and answer any questions after public testimony and address any new points that are raised in public testimony.

Mayor Garner said thank you. You can have a seat for now.

Mayor Garner said I will 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 received two comments. One is from Jason Sadler.

Dear WyCo Commissioners and Representatives. I live close in proximity and I support the Woodside Village Rosedale development. I feel it is in the best interest of the neighborhood to move this project forward. Please vote yes on the approval of this development project.

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The second comment is from Kevin Sadler. Dear WyCo Commissioners and Representatives. I live close in proximity and I support the Woodside Village Rosedale development. I feel it is in the best interest of the neighborhood to move this project forward. Please vote yes on the approval of this development project.

Ms. Sparks said those are all the comments the Clerk's Office received.

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

Stan Thompson, 4514 Francis St., said I've actually helped gathering some people that are supportive of the project. I noticed in today's packet there were some letters that weren't in there that I submitted by email. I was wondering if I could read those into the record.

Mayor Garner said you can make your comments and then just leave those, I believe, and we'll make sure those get published.

Mr. Thompson said okay. Thank you. The project is very important to me. I live very close. I have a 5-year-old. I'm a single, full-time dad. We walk 46th St. everyday. My main reason for supporting this is 46th St. is not safe. It's narrow. There's no sidewalk. It's an existing parking lot. There's just no improvement to it in the last few years.

I think Blair and his team have listened to the neighborhood. He's made changes on the plan. The last one that they made, I believe, was presented two months ago. After that, I visited over 50 houses in the neighborhood and I came up with, just on my own, over 40 support letters for this project.

I think these people need to be heard. I mean the main reason is we don't have enough housing in the area. If you look on Zillow right now, in Spring Valley there's two houses for rent. We have nothing. We can't bring in new families. I'm encouraging new families to come in. I want my son to play with other neighbors. The neighborhood is in transition. It's been that way for a while. I think without this project, I just don't know why. Our neighborhood would be moving in the right direction. It just seems like it's just kind of standstill and then we've got a great project here.

We have KU parking on this project. 120 cars come in a day. I don't see why the project isn't—I know some people don't like; they think the traffic...**Ms. Sparks** said one minute remaining.

Mr. Thompson said of the size of it. I personally think it's great for the neighborhood. I own several properties in the neighborhood so I really want you guys to consider to vote yes on this project. Thank you.

Jason Sadler, 4507 Francis St., said also co-owner of 4523 Francis St. with my brother and business partner, which we'll tear down and build two new houses here very shortly. Like Dan, I have a 4-year-old daughter and a 2-year-old daughter, and another daughter on the way. We walk to Unforked and Blue Sushi way too often and it is extremely scary walking 46th St. to Rainbow. There's way too many distracted drivers come around the corner. No sidewalks. I'll be pushing a stroller for a long time. It is just frankly scary so we need some sidewalks. What Blair is proposing is far and beyond what I could have hoped for.

When we moved to the area, it engages community like no other apartment projects I've seen. I mean, I'm looking forward to walking down 46th and being able to say hi to people standing on their balconies, their front porches of these ground floor apartments. I mean, it's one of the most gorgeous apartment buildings that I have seen designed. I think it is something that needs to happen, as Dan said, for this neighborhood to keep moving forward.

The issue of traffic today was a very good example of why the project needs to happen. There's a huge backup on 46th with a couple of semis parked there, cars line the street, and it is barely one car wide. With the new project, it will be two-lanes wide, no matter what. There's not going to be anybody stopped in the street. They'll be on the Woodside/Rosedale property if there's anybody, I mean, there's just not going to be anyplace for anybody to pull into to park on the street to block traffic like there is now, not until you get past their property which it still doesn't seem to be a problem today and shouldn't be a problem in the future.

So, basically, I just want to ask you guys to consider everything that we have said and vote yes to approve this project.

Kevin Sadler, 4509, said I, too, have young kids. Really, the main issue was things that they've really addressed is the problem on 46th Ave. with the traffic, parking, the walkability. They've done a great job. Blair and his group have really listened. I see no problem with that.

Also, the design. Everybody's seen the design. It's awesome. I don't really know the people that are against this, what they are looking for, but it's top-notch. I don't know who wouldn't want this in their neighborhood, the sidewalks, the parks. They've done a great job. I'm all for it. I think it will help, again, with safety, with parking, with traffic. I ask that you approve. Thank you.

Mike King, Crestwood Community, KCMO, said I was born in Topeka, KS, and while I was a toddler, my parents moved me to Wyandotte County. Thank God. I love to be a Kansas Citian. I'm the President and CEO of Youthfront. For 47 years I've worked at the 47th St./Rainbow corridor. For many years, I lived within blocks of that location. Our organization used to own the land; the four acres that are now being developed.

When Blair first asked if we would sell it, I said no because I couldn't imagine being anywhere but that location. But we realized we had four acres. It wasn't producing any tax revenue for either Johnson County or Wyandotte County. What they wanted to do with it was compelling. We need to do a lot of updates on our program of property so we said yes.

After the sale of that program, I wanted to be in that area so we found a temporary location even though locations were offered to us in Johnson County. We ended up developing a run-down property right across the street, 4600 Rainbow, next to the car wash, with the Youthfront headquarters at 4600 Rainbow. We invested \$2.5M to improve that corner of Wyandotte County. In fact, my office now looks over this new, hopefully, new project.

I wholeheartedly support this project, which will add to the vibrancy of life and living in this growing, wonderful area of Kansas City, KS. What is developed along the 47th St./Rainbow corridor over the last several years should be viewed as a great accomplishment by Wyandotte County. As an organization, Youthfront is very active in community development through Wyandotte County. We have teams with teenagers, college students, adults constantly working in Wyandotte County on community improvement projects, cleaning, planting trees, clearing abandon lots, after school programs, mentoring programs, and our Something to Eat initiative in

the Argentine community, a partnership with Harvester, is the largest food distribution in Wyandotte County. We believe in making the community better.

My son carries that tradition. He's the Director of ABC, Argentine Betterment Corporation. **Ms. Sparks** said one minute remaining

Mr. King said so we believe that working for human flourishing is important for our community. For that reason, I'm 100% behind the positive impact Woodside Village/Rosedale will have on our neighborhood. Please support this program. I have developed a friendship with Blair since we sold the property to him. I know that what he says, he will do. He believes in our community. I think that this is the right thing to do. This project is critical to the trajectory of creating one of the most desirable areas of Wyandotte County to live in. I urge you to support the Woodside Village/Rosedale project. Lets get this done for the good of our people, of our city. I thank you for serving our community and for your commitment to its future. Thank you.

Mayor Garner asked, is there anyone else in the audience who would like to speak in favor? Clerk, is there anyone joining us virtually who would like to speak in favor of this item? **Ms. Sparks** said we have Amanda Brisso.

Amanda Brisso, 4522 Francis, said I live there with my husband so only two houses away from 46th St. in this project. I'm 100% for this project. I, like everyone else said before, I think it's going to improve safety. I love the walkability aspect, how it's going to kind of open things up for people to get over to the Woodside businesses. I also agree with the fact that it's going to help kind of push the neighborhood forward and help attract a different kind of neighbor for us.

Greg Larue, 4130 Holmes St., KCMO, said up until two years ago, I lived at 4600 Cambridge on 46th St. I lived there for five years. I own several houses in the neighborhood still. Having lived on that street, I'm excited for what has been proposed here. I think it's going to improve walkability to the street a lot. I'm excited to see density in this part of Wyandotte County. I think it's going to be good for the neighborhood and good for the city. I just wanted to speak out and support. That's all.

Topher Philgreen said I have the house at 4512 Rainbow Blvd. I'm the President of Topher Enterprises, LLC. I am, of course, in support of this project because it's going to create an incredible gateway into the county. The entire corridor going from Johnson County all the way to the river there on Rainbow Blvd., I think, is growing and flourishing and this is going to just enhance that. It's the first thing you see when you drive into the county.

I think what I would like to do, though is address you as a fellow commission member. I sit on the Planning Commission in Miami County and so I've sat in your chair, certainly in the Planning Commission their chairs. I've sat in a lot of conversations like this, listen to public opinion.

I just want to say that when I watch what Blair and his team have done, I don't know that I've ever seen a group of businessmen literally change their project for the good of the community and in response to the community like these guys have. I watched it in Westwood too, the same thing. If people had concerns then they would go back to the drawing board and spend thousands of dollars redesigning to fit their needs. That's just who they are.

I just want to say that you—I looked at your charter. I know it's similar to our charter to do the best for everybody in the county, for the whole county. If I'm sitting in your chair and I look at what this does for the whole of Wyandotte County, I don't see how you can't approve it. I just want to just thoroughly ask that you will approve this project. Let's get rid of this thing that doesn't look good as you drive into Wyandotte County and make it a first-class thing. So, yeah, I'm in full support of it. Thank you all for your service. I know the chair that you're sitting in.

Gerald Greer, 4503 Francis St., said I've lived here on the block for the last four or five years. I would mirror the comments of Mr. Thompson and the Sadlers. I'll keep it short and sweet. I definitely support Mr. Tanner's project. I think that it's going to be a great addition to this neighborhood and I'm very much looking forward to that promoting more growth in our area. Thank you.

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

Mayor Garner asked, are there any notifications you received, Clerk, from the public who wish to express 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? If so, please approach the podium. State your name and address for the record. You will be given up to three minutes to state your comments.

Gilbert Pintar, 4178 Cambridge in Hanover Heights, said I think the first comment that I would like to make in response to Mr. Johnson's presentation tonight is that no one in opposition that I know of is questioning their credibility, their quality of construction in the past and what they stand for and the high objectives. No one is questioning that. What we are questioning is how their proposal is affecting the neighborhood. No one will question that the as built environment that they own and control the empty building and the parking lot is a disaster. No one wants to see that. Anything would be better than that, correct?

Well, after listening to the half hour presentation by Mr. Johnson, I'm really reminded, and I hope you can bear with me just for a moment, of a conversation I had with my grandson who lives out of state. But recently I had a conversation with him and I was walking down the sidewalk with him. He's only 3 years old. He stopped as we were walking and said oh, Grandpa, look. Look at that. A diamond. We were walking down the sidewalk and he saw a piece of gravel. I said oh, Bennett, that is a very nice diamond. When we got home to his mom, my daughter, I said—she said well, what's Bennet doing with this...**Ms. Sparks** said one minute remaining.

Mr. Pintar said ...with this piece of gravel? I said well, I told him it was a diamond. I think the presentation tonight—and all the folks in support have provided you all with a diamond and it's not. I could spend a half hour here challenging everything that was said for over a half hour point by point. I don't have that opportunity but I can tell you that the neighborhood supports the master plan for many reasons. This goes against it as shown in the deviation that they're asking for tonight. They need a deviation. Oh, gee, they aren't in compliance with the master plan. So you all have to decide is this a diamond in the rough or is this a piece of gravel. I stand by my three letters that hopefully you all have a copy of...**Ms. Sparks** said your time has expired.

Mr. Pintar said ...in recommending denial; not continuance.

Rebecca Paulsen, 4418 Francis St. in Spring Valley, said I am in opposition of this project. I want to acknowledge that I do think that it improves the walkability on 46th St. tremendously, and it is a beautiful building much like what you just heard Mr. Pintar say. It only improves that,

though, from about Francis St. going to the west. One of our major concerns as a neighborhood is not walking. That's definitely going to improve for a piece of 46th, but the rest of 46th all the way over to State Line is still a very narrow street with no sidewalks.

I have lived in the neighborhood for almost 30 years. I've been a homeowner for that long. I have raised my three children to being older teenagers and young adults, and we worked hard on getting sidewalks in because the sidewalks were in terrible shape for years and improving the walkability of the whole neighborhood. But the traffic flow on the streets through the neighborhood, especially on narrow streets like 46th and the way this project will make traffic going east have to exit through the neighborhood either all the way over to State Line on 46th with no sidewalks or coming down Francis, Eaton, or Cambridge to get out of the neighborhood and that is one of the major reasons that I am opposed.

I also question the height. I know they've made concessions. I know Gunnar's staff says it's in compliance now with the Rosedale Plan, but it does set a precedent for all future development that I think we can all anticipate the master plan does support in the area on the corridors, and that is also a major concern of our neighborhood. I thank you for your time.

Kelly White, 4410 Francis St., said I've been involved with this working with them over the past year. I've been trying to consider what the motivation is for all the parties involved. I understand that the developers it's about money, of course, and I get it. The businesses have showed their support, obviously. It's going to be about money for them as well. The neighbors who are in support of it, they carried letters that went around. My thought was, they were probably just wanting a safer area with sidewalks, like they're presenting. But I don't think that the building this size that they're trying to put in there, and safe sidewalks should be mutually exclusive. They can put in a project that complies with the Rosedale Master Plan to be more cohesive with the neighborhood and still put in safe sidewalks. There's no reason that they can't.

A couple of points that he made. I don't think they did have the master plan in mind or we wouldn't be here a year later and them not show why it took them a year to take out certain pieces of this building and to lower it. If they're a build and hold company, then they should have no problem building it lower because they're going to be holding it for years. It will not be a loss of money for them.

I think it's interesting that they never told us what the percentage of the shadow cast is. I do have the report at home and I don't recall what it is. I do know that the traffic analysis did say that it would increase traffic, I think, by 58 cars per hour during the peak times. So, I don't know that what he said tonight was accurate.

Those in opposition of this are looking at whether this project is adverse in anyway to the adjacent neighborhoods. That's by way of traffic, height, length, and cost of rent. Essentially, that is addressed in the Rosedale Master Plan and the reason that we have codes. We've had to advocate—we've had to be our own advocates for the neighborhood. I'd like to point out that no one is afraid of change. We've known change is coming, that's why there's a Rosedale Master Plan...**Ms. Sparks** said one minute remaining.

Ms. White said we ask that this particular project be denied and let them come back with something that complies with the master plan and is cohesive with the neighborhoods, that they work with RDA and the neighborhoods in getting to that point. I request that you vote to deny this project.

Chris Steineger, 4529 Francis St., said I'm asking for your consideration to not approve this tonight. I've got four topics. One is a protest petition; petitions, plural. Number two is the good news that we all agree about. Number three is the traffic problem that has not yet been solved. And number four is KDOT and what did KDOT say or what didn't they say.

With regard to the protest petitions. I've personally been involved in gathering the signatures on the first protest petition several months ago, and then the second one that was turned in last week. The city instructions have not always been the best. The earlier protest petitions said gather signatures of those within the 200 feet affected circle. So, we gathered signatures. No where did it say it had to be legible signatures. So, your Assistant Attorney, Mr. Waters, decided our protest petition was invalid by two signatures because he couldn't read them.

The second protest petition they added that you had to have a printed name. So, we did gather on the second protest petition the signatures and I asked the people to write legibly this time, and we had their printed names. So, we did try harder. I felt it was a bit arbitrary since it was not stated that I had to collect readable signatures. It just said signatures. We've tried very hard to follow the rules set forth in the city's requirements for protest petitions.

I'd also point out that the city came up with a protest petition process about the affected property owners, those that live within 200 feet of any project; not just this one, any project. The most affected people are the ones that live or own property close by, not the ones that live a half a mile away or in Missouri or in Miami County. You guys don't represent Miami County. You guys don't represent Missouri. You represent people that live in Wyandotte County. Non-residents can't vote for you or against you. **Ms. Sparks** said one minute remaining.

Mr. Steineger said the protest petition, whatever may come of it. The good news is a lot of people agree that 46th St. is too small and is very busy and it's dangerous to walk. I think we all agree on that. I think we all agree that the existing Woodside facility, both the apartments that are existence and the club, are nice properties. To quote Ernest Hemmingway, "A clean, well-lighted place." But the remaining problem is the traffic. If we could see the corner slides, Gunnar, that showed the corner of 46th & Francis, you need to be equal here.

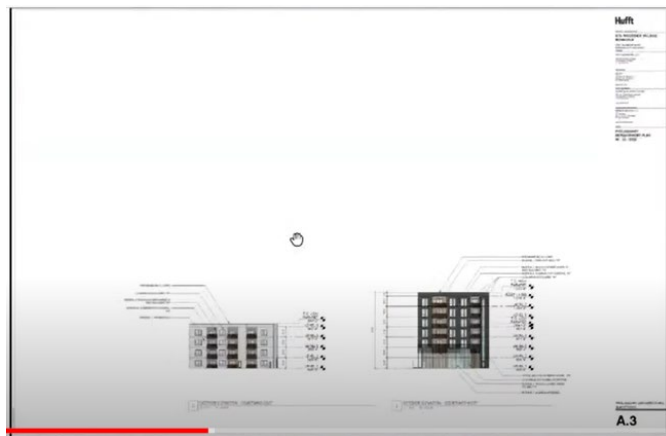
They said they would talk to KDOT about Rainbow Blvd. Well, I used to be a state legislature. I know how to talk to KDOT.



I called the directors two weeks, within the past 10 days. I called the Director's Office, was directed to the Wyandotte County office in Bonner, Ryan Barrett, who actually doesn't have control over Rainbow Blvd. That's ran out of the Johnson County office, Mike Rinehart. I talked to Mike Rinehart directly. Johnson County KDOT guy...**Ms. Sparks** said your time has expired.

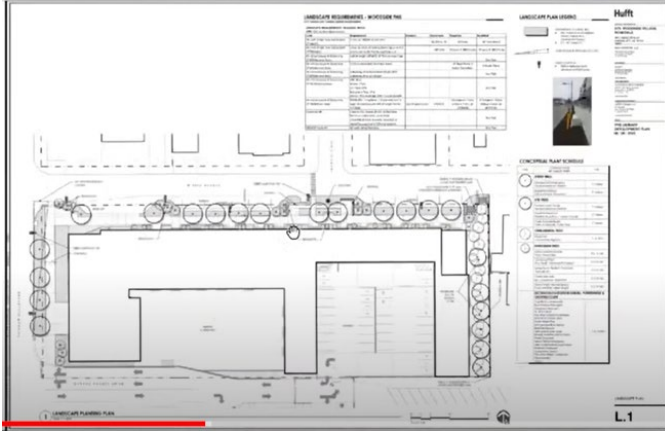
Public Opposition	Public Support
Staff has received e-mails/letters in opposition of this development. Multiple people spoke in opposition to the project at the October 10, 2022 City Planning Commission hearing.	Staff has received e-mails/letters in support of this development. Multiple people spoke in support of the project at the October 10, 2022 City Planning Commission hearing.
Staff Recommendation Approval	

Mr. Steineger said and I also talked to other folks here.



tion County Context Local Context Exhibits Recommendation Summary

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They've never heard of this project and they are open given a traffic study to an idea of having a drop-off lane on Rainbow Blvd. I don't know who these guys talked to, but they didn't talk to the people in charge.

Erin Stryka, Rosedale Development Association, 1403 SW Blvd., said I want to start by acknowledging that Mr. Tanner and his team have worked very hard to listen to the community and incorporate feedback. I do want to acknowledge that working commitment with them for that. I also want to commend Mr. Thompson for knocking on doors and talking to his neighbors about this. We could use a lot more neighbors to do that work and put in that passion. So, I want to take this time to seriously and address some of the things that the supporters have said about this project, starting with the sidewalk.

Mayor and Commission, you all know, hopefully, that any project on this site would be required to have this beautiful, wide sidewalk and that really nice landscape buffer. That's what our design guidelines require. That's what our city code requires. So, any project that happens on this site will address the walkability and the safety issues on 46th. I think that's really, really important.

The RDA really, really chewed over this because the developer listened to the community so well because I've heard from a lot of supporters and a lot of opposers of this project. We have spent countless hours talking about this. At the end of the day, we were left with two major sticking points. The first was the height. I just want to echo what Mr. Steineger said. The height most affects the residents directly to the north of the development.

The housing goals of the Rosedale Master Plan talk about developing quality, developing housing diversity. Lots of the points you've heard hit on tonight. They also talk about addressing

affordability and neighborhood stability. One of the houses to the north of this development, that owner is listing her house because she sees the way the wind is blowing and doesn't want to live in the shadow of this development. That was very impactful...**Ms. Sparks** said one minute remaining.

Ms. Stryka said ...because it is so very directly related to neighborhood stability. We are seeing very longtime residents destabilized out of the neighborhood via this process.

I also want to talk about affordability. Mr. Johnson's point is well taken. We need more housing. Density is good. We need housing at all price points. RDA has supported many housing developments that are at a very high price point, including a big recent one down at 36th & Rainbow, the Hudson project, for that reason. This one is a little bit different. Part of it is the scale of the affordability. At \$2,400 a month, it is a bit outside the range for what I think this neighborhood needs; and it is directly next to another apartment complex at that price point. So, I recognize there's demand. There's an opportunity to make a lot of money. I don't think there is a need for housing at this price point in this area.

Finally, I think the little Lego cutout...**Ms. Sparks** said your time has expired.

Rose Eilts, 506 N. 4th St., said while this project is a little ways away from where I live, I did want to make the point that I'm hearing about this problem with the petition that the protest petition that was submitted a few days ago and just now the people who put that together are finding out that there's a problem with it. This seems to be an ongoing issue. I would hope that you all would try and help residents get this sorted out. This bait and switch at the last minute with these protest petitions that people work very, very hard to get signatures on, and those petitions represent the people that live the closest to these projects. Those are being thrown out the window because lawyers who have a lot more money and time and resources are able to toss these petitions at the very last minute when there's nothing to be done.

So, I think you can see from my shirt what my point of view is. These are not affordable. I don't know because I'm not as familiar with this project if there is any component of this project that's going to be at least a small nod to affordable housing. We have to have some more affordable housing.

I want to congratulate you on a wonderful job you did on helping the townhouse apartments come to fruition. I went to the grand opening and it was great. I know that's not a big moneymaker, but it sure is a feather in our cap, I believe. Thank you for your time.

Jerri Moulder, 31 S. Hallock St., said I just wanted to speak to this petition problem. We, too, tried to file a protest petition and in the eleventh hour we're informed that their attorneys had scrutinized that petition to the point that they got it thrown out. Apparently, they went to the point where we had signatures and they didn't sign the correct Junior after their name or they didn't sign it the way they signed their contract when they bought their house and it wasn't titled in the same way. That was a legitimate reason to throw it out. It's not legitimate. It's lawyers playing lawyers. Anyway, I think the county needs to address the petition process. Thank you.

Shari Wilson, 4529 Francis St., said I'm a homeowner that lives directly across the street from the proposed development. I sent all of you an email letter, which I think you received with more details about my concerns on the project. Mainly, my house will be in shade. I'm one of the homes that was discussed about being in shade most of the winter months. Most of the days during the winter months will be like living in a dark room for eight hours a day and may get some light for two hours a day. That's very detrimental during the winter. It will not help our property value at all. It's also not good for our mental health.

I'm also concerned—so the height is the issue that needs to be addressed further.

I'm also concerned about the traffic, specifically parking on our side streets, not on 46th Ave. That has been addressed by the developer. But on our side streets when, for example, the dentist office at 46th & Rainbow, where are their employees and patients going to park. They're going to park on our street, our side streets. When there are cars parked on both sides of the street, we can't even get a trash truck through there must less an ambulance or a fire truck. So, this is a problem that's going to happen. It's not hypothetical because there's no other place for these people to go.

I think this project has been improved, but I don't think we're there yet. I think we're getting closer. I'm not opposed to having something nice on this corner. I think it is needed. It's needed for our community. **Ms. Sparks** said one minute remaining.

Ms. Wilson said I appreciate all of that. I think we're close, but I think whatever's built there is going to be there for a long time, for decades. So, let's take the time now and try to get it really right for our neighborhood. Thank you.

Bill Siggins, 4406 State Line Rd., said I am in opposition to this, but I'm going to do a little something differently when it comes to my argument for this. I'm going to look at the past, the Tanner properties as it pertains to Phase 1 which was the current build. We are currently looking at Phase 3. What happened to Phase 2, which was supposed to be on 47th St. in Johnson County, in Westwood. In that property, there was an agreement made with Tanner after the completion of Phase 1 that they would go ahead and actually give Blair Tanner the properties, 4.7 acres of land free and clear as part of this construction project.

They were also contingent of bringing in \$22M in additional CID and TIF funding for that second phase. It was all on mandates that they had to meet certain criteria. In that criteria, they had to meet the basic fact of a 90+% occupancy and they had to show financial liability. Well, there is no Phase 2 because Westwood cancelled that contract. You can look it up in the *Shawnee Mission Post*, you can look it up in multiple other things. It was cancelled because they could not meet that 90%. They could not show that financial liability.

Now, when we had our meeting on November 16, '21, was our first neighborhood meeting to go get this information. We sat down with Tanner and his group to discuss this entire construction project and go over all the information. Sure it looks wonderful, just like you're talking about, it looks like a diamond in the rough. But the problem with it is one, of course, it did not meet the master plan. He still has not met the master plan. But in the discussions we talked about kind of the financial aspects of this plan and what they wanted to do with it. Blair Tanner can still state...**Ms. Sparks** said one minute remaining.

Mr. Siggins said ...three times during this conversation that money used was going to financially prop up his failing and ailing Westside or Woodside Club because it was in dire straits. Now this was heard by Commissioner Ramirez in the meeting which gave him pause. He made the comment that it gave him pause. We continue to ask the question about this and what type of CID and TIF planning he was going to be requesting from the UG. He refused to answer the question because he saw that the commissioner was in the room and he was trying to immediately walk back his comments that he was going to try to fund off of the UG funding.

Now in that we're looking at a \$2,400 per unit apartment complex. Again, with the money we're talking about, he's going to be asking you for TID and CID money. All it's going to do is going to fund Westwood, Johnson County...**Ms. Sparks** said your time has expired.

Mr. Siggins said ...his failing plan. Please deny this.

Mayor Garner asked, is there anyone in the audience who would like to speak in opposition? Please step forward. State your name and address, please.

Jill Folsom, 4446 Francis, said I just want to say that I'm out here to support all of my neighbors because I do believe in the master plan. That master plan protects all of us, not just my neighborhood and not just the neighborhood next to it, to make sure that big, huge apartment buildings aren't going on every corner. Thank you.

Mayor Garner asked, is there anyone else from the audience who'd like to come forward to speak in opposition to this item?

Clerk, is there anyone joining us virtually that would like to speak in opposition to this item? **Ms. Sparks** said yes, Mr. Mayor. Our first speaker is Micah King.

Micah King, Executive Director, Argentine Betterment Corporation, Rosedale resident. I actually had my hand up for the project and for some reason didn't get called on so, I just wanted to take two minutes if that's all right and just state my support for this project.

As well as you guys know, I know most of the commissioners. I am a contractor for the Unified Government. Part of my job is bringing new businesses into the community as well as doing affordable housing. With affordable housing, there is a balance, though, and there are all kinds of housing that is available in our community. So, I feel like it's very important to get residents in the community and keep them in the community. What that does is that increases our tax base. We bring people over from west side or keep our people instead of moving out to the other communities.

The other issue I have with this project and the constant hoops, a lot of times with my job at ABC is when I bring new businesses in, I feel they're always jumping through a lot of hoops. So, I really hope in the future that we can fix this. I feel like a lot of times we drive really good

businesses that want to be in Wyandotte County away because of some of the things we have to jump through.

Blair and his team, it looks like they've done a number of requests and made changes. I've had board members from KU that had stated that a lot of times, although people move to different areas, Johnson County, Jackson County, is because they can't find housing. So, this is a great plan for that. But I really urge you guys to bring in business. Don't run them out.

I have board members that have services and unfortunately, I have a hard time bringing new businesses in because of the reputation in the past with how hard it is to get a business up and running. **Ms. Sparks** said one minute remaining.

Mr. King said like I said, I really support this project. I think it will be great for the community increasing the tax base because a lot of times, companies just go to other areas and we lose that money. So, working with the Land Bank, all of that. There's a fine balance with this, I think. And yeah, I really support that project. Thank you.

Valorie Wells Fenton, 4430 State Line Rd., said thank you very much. I appreciate the time you're all giving us. I'm a Spring Valley neighbor. I'm a Board Member of the Rosedale Development Association and a member of the Rosedale Master Plan Implementation Committee. I ask the Unified Government of Wyandotte County to align the allocation of incentives for developments to the desired outcomes of the Rosedale Master Plan. For all the reasons stated in opposition to this project, I respectfully request that the record of this full Commission reflect that this proposal is in direct opposition to the expressed intention of equitable and affordable housing as stated in the Rosedale Master Plan. At the rate of an average \$2,400 per month, there should be no incentives granted for this Rosedale/Woodside Village development.

I ask the full Commission to vote no to build and certainly no to incentives. Thank you again for your time.

Leo Eilts said I appreciate the opportunity to address this meeting. My one overriding concern would be that the master plans that have been painstakingly developed and adhered to are really apparently for sale to the highest bidder. I'm dismayed that the master plans are generally not adhered to in this regard. I'm a former resident of the area we're speaking about. I used to live in Woodside and I'm now a resident of Kansas City, KS. I just wish that the overriding concern that

I have is that the residents of these areas have already expressed their concerns in this regard, and my overriding concern would be that they're not being listened to. That's really all I have to say. Thank you very much.

Anna Cole said I didn't come to actually speak on this topic but I noticed a lot of the same issues cropping up with this development that we faced in Strawberry Hill and Russian Hill with regard to the 505 development. Like Mr. Steineger said in opposition and several others, there's a real concern with master plans. Our Central Area Master Plan was put together in 2020. When tested, it was amended easily, immediately for 505 in an area where most of our citizens over here think there should not be an eight-story high-rise.

Furthering that, we also had issues with the protest petition. In fact, our protest petition, the official protest petition, was approved. We were told it was approved and then in the end with several days to go and then in the eleventh hour, literally the day of, we were told that, in fact, it was denied. Sorry. We actually made a mistake and it was denied over something really rather small, which a couple of my other neighbors have mentioned. This trend is disconcerting. I know we're looking when we just put out bids for a city-wide development and all of that, but all we have right now are our master plans. If we're not adhering to them and if the protest petition seems to be just the trap that we're just now all of the protesting citizens on no matter where you are, apparently in the Northeast WyCo, that's the go-to thing. It's very disconcerting and I wanted to voice my thoughts about this.

I guess I have to give my address. I live in Strawberry Hill. I'm 66101. Thank you for your time.

Karrin Huhmann, 23 S. 6th, said I also wasn't going to speak to this issue, but Chris Steineger got up and basically echoed all of the same opposition points that we had to 505 at Central, which he actually got up and spoke in favor of at one point. So, I'm glad to see he's come around to understand how maddening it is when a giant, out of proportion building, is plopped right next to your house in complete contravention of the master plan. I know that you guys all say well, we can change them.

You know you're going to ask people to engage in more community involvement and more planning, and you're not building a very good reputation. Why should anyone spend their time

participating in community input when this is how our input is treated. I mean it's a joke. It's like tick of boxes you're taking off to show that you're doing good governance, but really behind the scenes, there's all sorts of backroom dealing going on.

You listen, but you brush us off. It's just terrible. This government has a terrible reputation and you're always getting in trouble. There's always being sued. Maybe you should try listening to us, the residents, not the businesses who go home to Johnson County or across the river at night, but those of us who live here and elect you.

I stand with this neighborhood. I oppose this just on principle how this whole process works. Thank you.

Ms. Sparks said there are no other hands raised.

Mayor Garner said thank you to all of the folks. Thank you, Clerk. I'm going to close the public hearing, and I'm going to allow the petitioner to make some closing comments.

Mr. Johnson said thank you very much, Mayor and Commissioners. I appreciate that it is our burden to make this case. Gunnar, would you please pull up the map that shows some of the properties that submitted letters of support. I think there was some discussion about supporters and I don't think this does them justice so I want to make this point, supporters not being from the immediate neighborhood. That's just simply not the case.



Again, we had 60 letters of support, 43 of which were from residents in the immediate vicinity. Those people need to be heard. They deserve to be heard. I can visually show you where those

letters came from in that vicinity. We have people who own homes, own businesses in the area that support this project. I simply, in my career, doing this sort of work have never seen this level of support. While there's certainly some folks that are in the vicinity, others that are not, are not proponents of this project. There are many proponents of this project and people, as Mr. Thompson, Dan Thompson, referenced earlier, are very supportive of the project for the reasons we discussed.

As far as have we spent the time to bring forward a project that's been responsive. I think that's a clear and resounding yes. We've been at this a year. That is not any coincidence. That's because we have listened, and I think the comments have reflected that on both sides. Listened very deeply to the community and made very significant changes to the project, which you've seen. It's resulted in a project that's in front of you today after three community meetings, after very significant time, and economic investment into this process. We are being responsive to the community to produce a project that will stand the test of time and will be exactly, again, what's been designated for this site for urban mixed-use by the master plan.

As to the master plan, a lot of discussion from folks in Rosedale, folks outside of Rosedale about the master plan. I think without going back and forth on point/counterpoint, I think the most critical piece to stand on here is there is an independent party who's reviewed this. That would be staff, the professional staff who you've hired to make these determinations and provide you with recommendations. Staff does not take this lightly. I won't put words in Gunnar's mouth, but I have reviewed the staff report. I read it. Staff says we meet the master plan. They are the independent evaluator. They are the independent arbiter. Our team has a stake in this. Some folks believe, you know, a different view of the master plan should be taken. We all respect the master plan. That's not a question. The question is, is this project appropriate? The answer is absolutely it is. I rely on the conclusion of staff.

There's some discussion about amendments to the master plan. We don't have an amendment here. This project does fit the master plan. Staff has made that determination.

There are some specific issues to address. One, I think was a great point. We need sidewalks down 46th, east of State Line. We would agree. We don't own those properties. We would wholeheartedly support that. We think this project, by first creating the sidewalk on 46th, will be the catalyst to create more sidewalk down 46th. I have no disagreement with the point that was made to that effect.

Traffic. We stand on our traffic report and study, and staff's conclusion is that that is accurate and supportable that there is not a traffic issue created here. Happy to answer any specific questions about it.

I won't engage in a discussion about a protest petition. I don't think that's right. I don't think the points that were raised tonight were salient to the actual questions and flaws in the petition. That will become something that staff will make a determination on. I anticipate, of course, that you will rely on their conclusion.

With regard to, I think, there was a specific mention of somebody directly adjacent to the project of the house that is on the left or the west adjacent to our project, selling their house. We're aware of that. We're also aware that the buyers are supportive of the project and aware of what's coming. So, I don't think it's fair to say somebody's leaving here only because of what we're doing. Somebody's coming because of what we're doing. **Ms. Sparks** said one minute remaining.

Mr. Johnson said thank you. Emergency vehicles, agreed. That is an issue today. It is difficult for emergency vehicles to get down 46th. We are alleviating that condition. They can't get down 46th because it's constricted by cars parking in the right-of-way today. Again, we're removing those cars off of 46th, moving them onto our property. That's public parking. That is not restricted parking so the condition of emergency vehicles moving freely through 46th, we're resolving that issue and making it much safer, much better for the neighborhood.

Ultimately, there are a lot of points that were made on all sides that, I think, were indicative of the process here. Indicative of the good conversations we've had with many of the folks that spoke on both sides tonight. I think there were a lot of things that we all agree on. This is a good project. It is a well-designed project. It is the project that has been designated for this site by the master plan, and it is a project that this city needs at its gateway. Thank you very much.

Mayor Garner said thank you. We're now going to allow our commissioners to make some comments and questions.

Commissioner Bynum said I just have a series of questions that I'm trying to get clarity around quite a bit of what we've heard tonight. I'm going to start with perhaps maybe Chief Counsel. There was a protest petition in May that was deemed invalid, but the one we're considering this evening is valid. Is that correct?

Misty Brown, Chief Counsel, said I think that is a good question, Commissioner Bynum. So, yes, initially when the initial protest petition came up, as lawyers do, we follow the law that's before us and it was deemed that it was an invalid protest petition. The matter came to the Commission. It was sent back to the Planning Commission. Generally speaking, there's only one chance that an applicant has, that the neighborhood groups have to do a protest petition. However, when this proposal came back, when it was sent back to the Planning Commission, there were amendments made to the proposal, amendments that were characterized as significant amendments to the project, which then the question came; when it comes forward now, was it a new proposal being brought before the Commission and, thus, causing a restart of the process.

So, that was the initial determination when looking at it. So, this protest petition was deemed valid; however, today and maybe perhaps yesterday, there was a series of contests coming forward from the applicant that needs to be looked at challenging the protest petition.

Commissioner Bynum asked, is that why? I think I heard the developers say they received the protest petition today. Would that be why because we were spending time internally to determine for ourselves, from a legal aspect, what the exact situation was with it? I'm just trying to understand the process that we've been through.

Mr. Hand said that is correct. We received the protest petition from the neighborhood closer to the end of the day on Monday. We had spent the next couple of days just working through the issues of whether we could hear a second protest petition, which was a fairly intense legal debate internally with staff. Having coming over that hurdle, it went to the process of going through the addresses and signatures and making sure it's in alignment with really the rules and the protocol for the protest petition process.

Commissioner Bynum said another question just in general, and this is just a thought for the future because we've heard on more than one occasion that—and it does state in the protest petition instructions, I do understand that the signature has to match the deed. It's very clear in the instructions, but if I don't know what the deed says, that's very hard for me to track. I'm just wondering as a matter of procedure internally, and I know it wouldn't be super easy, but could we look at a policy going forward that provides not only the instructions and the blank petition form, but a list of every property that would be considered valid and how it's listed in the Register of

Deeds Office so that our folks filling out those petitions know exactly how to have them signed or maybe we do that now. I don't know.

Mr. Hand said staff provides anyone seeking a protest petition with all the applicants within 200 feet of the project. Excuse me, property owners within 200 feet of the project. **Commissioner Bynum** said and those—is that on a list? **Mr. Hand** said it's the same notification list, essentially, that we receive for notification of a project.

Commissioner Bynum asked, we look at that list to see if that is how it's listed in the Register of Deeds Office because that's what our rules say that it has to be how it's listed in the Register of Deeds Office? **Mr. Hand** said when legal counselor reviews it, they double check the actual deeds. We effectively assume that what we receive from the Appraiser's Office that are the property owners and addresses are correct, yes.

Commissioner Bynum said okay. That just seems to have been a sticking point multiple times now and things that have been in front of us. So, I'm just looking for ways to clarify that and help folks who are trying to work through that process.

Commissioner Bynum said if I understand the applicant, you are saying that you believe that you would like the opportunity to basically contest the protest petition because you believe that you can show it to be invalid. Am I correct? **Mr. Johnson** said that's correct. We did receive it just today. We feel very, very, very strongly that it will be invalidated for a number of reasons. **Commissioner Bynum** said okay.

Commissioner Bynum said while you're there, I'm hearing, again, a lot of conversation on both sides around the master plan. I have a lot of advocacy within the immediate neighborhood and nearby neighbors saying that the project very clearly deviates from the master plan, but I think I heard you say that it not only complies with it, but it embodies the spirit of the master plan. I guess I wouldn't ask you to answer that because you already have stated what you believe. As a governing body, how will we come to a clear understanding whether it does or does not comply? We seem to have some competing voices there. **Mr. Johnson** said I'd ask you to rely on your staff's conclusion.

Commissioner Bynum said last question. If we were to vote tonight on the item that's in front of us, Chief Counsel, am I right that's nine votes? **Ms. Brown** said, Commissioner, if you would vote to approve this item, it would take nine votes to pass. If you voted in opposition to the Planning Commission's recommendation, if it were a vote for denial, it would take eight votes to pass as a denial.

Commissioner Bynum asked, if we were to make a motion to continue it for 30 days, as the applicant requested, that would be a simple majority? **Ms. Brown** said, yes, Commissioner. That's correct. Six votes would defer the item for 30 days. **Commissioner Bynum** said okay. Thank you very much.

Mayor Garner said I'd like to follow up with a question, Commissioner Bynum. On the, for our Chief Counsel, on the, or Mr. Hand, whoever, on the petition that went out, is that something that was created through UG ordinance or is that something that is state mandated, just for clarity for anybody that's watching? **Mr. Hand** said we'd have to check that for you, Mr. Mayor. I believe it's in the ordinance.

Ms. Brown asked, are you asking, Mayor, of the requirements that are set out in the petition set by UG ordinance or state statutes? **Mayor Garner** said yes. What was determined—I'm hearing some complaints from several residents about our process and about the dispositions and about timelines from both parties really, and how we got here today. Is that something that we we're operating off of from something that's state mandated or is that a UG ordinance that our policy, that's been put in effect, that staff was using? **Ms. Brown** said, Mayor, it's both. We have requirements by state statutes as well as UG ordinance speaking to the requirements of a protest petition.

Mayor Garner asked, do you know what generally what they are? **Ms. Brown** said well, you have your basic things. In a protest petition, it has to be signed by a—to be a valid protest petition, it has to be signed by 20% or more of the owners of property within 200 feet of the property to be rezoned. Then I'm looking at the actual protest petition, the document that we send out. It references State Statute K.S.A. 12-757. It requires verified signatures. It mentions, again, the 200 feet. To give you a specific answer of all of the requirements, Mayor, I'm not going to be able to do this on the fly; but generally speaking, it takes a specific number of people to sign it. It has to be the sig, you know, kind of like Mr. Hand was suggesting. You have your owners of

record. The signatures and names have to match what's on the deed in order to ensure that they are actually the property owners in that area. I don't know if that thoroughly answers what you're asking. I don't think it does.

Mayor Garner said I guess where I'm going, Counselor, is if there's anything that we can do for our community because it sounds like both the petitioner as well as those in opposition have some questions about our process, our disposition how we arrive at that, as well as timelines on proper notification. My question, in general, is this something that I can take before a standing committee for review to tighten up our policy, to make it more clear for our residents as opposed to something that appears to raise a lot of questions for those people that may want to engage in a protest petition? **Ms. Brown** said well, Mayor, I also would lean on the Administrator some, but I think generally all of our processes can be tightened up and we can always do a better job. Continue to review our processes and guidelines is always a good idea and something you could take to a standing committee to revisit it.

Mayor Garner said well, I just want to, for the record, I'll make a note that I will be sending this process to our standing committee for review. Hopefully, that will tighten this process up. We'll circle back to these types of questions, hopefully, in the future. So, thank you.

Commissioner Ramirez said tonight's the night I wish I was in your seat. Well, first I want to thank Blair and your team for all that you've done. As Erin said, you have worked with the community. I did make a comment the last time I met with you. Most developers would not still be here. After the second iteration, they would have left but you stood and stayed, so I do thank you for wanting and working with the community. I want to thank the community for willing to work with Blair as best as you could to do what came about and what he has created.

I want to say I have read every single email and every letter that I received both in opposition and in support. I may not reply to emails because I try to keep my impartiality as best as I can throughout this entire process since we do sit as a quasi-judicial body. Anything we say, vote, and do if either party were to appeal our decision, it could be brought up in court. So, I try to keep my impartiality as best as I can until I am here sitting and listening to everybody.

I can tell you, and please, Counsel, let me know if I go too far, I don't know where I'm at. I will say this is probably one of the hardest decisions to make for me because when I'm reading the emails and letters it's about equal support, equal opposed. I'm in the middle being torn and I

don't know which way to go. I know as we do planning, we have our legal standards. It's our golden factors that we have to follow. From what I've seen in the packet, the project follows all 12 but 1. But that one is still important, so I don't know where I'm at.

Given right now sitting through the testimony and hearing both sides, hearing the applicant, I don't know. If we were to take a vote right now, I might, the Clerk would be sitting there for a while because I wouldn't know what to say. I just wanted to say that. I hear you. I hear both sides. I understand both sides. I don't know where I'm going yet, so I'll leave it there and let my fellow colleagues have questions and their comments. Thank you.

Commissioner Stites asked, could the applicant, would you mind stepping back up? I just have a few questions. I know during your time that you were giving your response back, you were kind of given three minutes. I don't think that applies to you. The applicant is not on a timeframe, but would you—and I don't know if you ran out of time or not, but would you talk to us about the issue that was brought up about KDOT, if you can?

Mr. Johnson said certainly. I know that KDOT guidelines and rules were followed and conducted in the traffic study. I'm not sure who at KDOT was dealt with, but if we are brought back before you, I will be able to explain the discussion that had been had. I can't tell you exactly who's been the contact there.

Commissioner Stites asked, would you guys happen to know the occupancy rate of the adjacent apartments that also are renting for \$2,400 a month? Any ideas? **Mr. Johnson** said 100% are rented. **Commissioner Stites** said 100%, so there is a need. **Mr. Johnson** said absolutely. **Commissioner Stites** said it might not be affordable to all, but it's affordable to some, obviously, because they're 100% occupied, right? **Mr. Johnson** said correct. **Commissioner Stites** said thank you.

Commissioner Stites asked, did I miss a portion of this where—is there a retail component? **Mr. Johnson** said no; no, sir. **Commissioner Stites** asked, so how would you guys be going after a CID? I know that one of the folks had mentioned that during the incentive package that you would be going for a TIF and CID. I'm pretty sure that I know how a CID works but I just want to make sure.

Mr. Johnson said I appreciate the question. I didn't address that comment explicitly because it really didn't have a bearing on what we were talking about. I think he was trying to talk about the Westwood project. We are not requesting a CID here. We may request incentives. We're not absolutely certain of where we are there. We, frankly, need to complete this year-long process to decide where we are and where we are in the environment of construction costs and markets. But regardless, we are not requesting a CID. I agree. That wouldn't make any sense here. I believe the gentleman was trying to address the other project. I'll leave it at this because I don't want to go point to point on that. There was really not any accurate information used there, a failing business and all that. I think he was trying to address a different project. It wasn't this project. He wasn't addressing the incentives of this project nor are we, right now. It's not right in this discussion.

Commissioner Stites said that's where I wanted to get to. Just make sure that, I mean, any type of self-imposed tax is on retail and I didn't hear of a retail component there. **Mr. Johnson** said no CID. **Commissioner Stites** said thank you. That's all.

Commissioner Townsend said I appreciate the applicants wanting to do business in Wyandotte County. I appreciate those who already live here and nearby who expressed their views. About two hours ago, I think, there was a motion put on the floor, however, regarding the applicant's request to hold this over and there was a second. Since these things just don't evaporate, I would call for the question that we vote on that motion, at least, if that is appropriate, then this will be brought up again as the applicant requested.

Mayor Garner said thank you, Commissioner. Clerk, can you verify this? The Clerk does not have a record of a motion.

Action: **Commissioner Townsend made a motion that the applicant's request to set this over or come back next month move forward. Commissioner Kane seconded the motion.**

Commissioner Kane said I worked in safety for 21 years. I actually worked at UPS when I was a kid in high school. If you're a UPS truck driver, do you want to stop on a state highway or a street as busy as that? The answer is hell no. No way would you want to do that. You wouldn't

want your husband, your wife, or your kids to stop on a busy street like that. I don't care. KDOT did not say that was okay. What I'm saying is we don't ever want to put a person in a position on a busy street like that when they can go around a corner where you guys give him the opportunity to do it safely.

There is traffic over there. When you're going to the north, when you're coming over that hill, or going to the south, one way or the other, the person would get hurt. So, I don't believe that KDOT—I know KDOT wouldn't do it. I've got the head of KDOT's phone number in case somebody wants me to call them with them to verify that because anybody in their right mind would not want to do that. I appreciate you guys giving them an avenue to pull around the corner to perform their safe work.

Commissioner Ramirez said it's more of clarifying Commissioner Townsend's motion.

Mayor Garner said I'd ask the petitioner to come back up. What was your initial request? What were you asking for? **Mr. Johnson** said I'm requesting that this matter be held over to the next Planning and Zoning meeting of this body to have ample time for staff to make a conclusion on the protest petition.

Commissioner Townsend said I agree with that as a substance of my motion.

Mayor Garner said the petitioner has made a request and a motion was made from Commissioner Townsend of that request and seconded by Commissioner Kane. Is there any discussion? Seeing none, Clerk, roll call.

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

Mayor Garner said we're going to take a 10 minute recess and then come back. So, we will be back at 10:05.

Mayor Garner said we are now out of recess (10:10 p.m.) and back in regular session of our Commission meeting.

Item No. 2 - 212048...CHANGE OF ZONE APPLICATION COZ2022-033 - TODD THOMAS WITH CPC LAND ACQUISITION COMPANY

Synopsis: Change of Zone from A-G Agriculture District to RP-4 Planned Garden Apartment District to construct duplexes and other multi-family residences at 1921 N. 118th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

Item No. 1 – 212060...MASTER PLAN AMENDMENT MPL2022-020 - TODD THOMAS WITH CRITERION

Synopsis: Master Plan Amendment from Business Park (Prairie-Delaware-Piper Master Plan) to Medium-Density Residential (City-Wide Master Plan) to construct duplexes and other multi-family residences at 1921 N. 118th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Todd Thomas with CPC Land Acquisition Company, LLC, wants to rezone 1921 North 118th Street from A-G Agriculture District to RP-4 Planned Garden Apartment District to build cottage-style single-family homes and duplexes totaling 232 units on 32.19 acres. The Planning Commission voted 6 to 1 to recommend approval of Master Plan Amendment MPL2022-020 and Change of Zone COZ2022-033, subject to:

1. Sec. 27-212(c)(2) A development plan is submitted in two phases: a preliminary plan and final plan. A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;
2. Proposed development within this preliminary plat will require civil drawings to be submitted for the final plat;
3. Add a crosswalk across all surface off-street lots, connecting sidewalks. The crosswalk hatched path or integrally-colored concrete is to ensure a clear route for residents and guests to walk in of these curb cuts;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.
5. Per the goDotte Mobility Plan, a 10-foot concrete sidewalk/trail shall be constructed on State Avenue, along the entire southern property line in the right-of-way. See the Regional Trail cross section in the attachments.
6. Sec. 27-314 Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one (1) side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except industrial areas and except in subdivision zoned R Rural Residential District. Sidewalks shall be no less than four (4) feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be in the platted street right-of-way abutting the property line.

A sidewalk on the south side of Delaware Parkway shall be constructed as part of this development. The internal sidewalk network (along the private street) shall connect to the sidewalk along Delaware Parkway;

7. Greater emphasis should be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access. Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees;
8. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor units to the sidewalk network within the development for Units A1/B1;
9. At the end of the stub streets that provide off-street parking, connect into the internal sidewalk network. Additionally, those stub streets that are in the vicinity of the regional trail shall have a sidewalk that connects the internal sidewalk network to the trail network.
10. The clubhouse and amenity area are not centrally located within the development requiring residents to drive to the main entrance to access the clubhouse. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner of the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site;
11. Amenities shall be built in the first phase of the development;
12. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
13. Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts;
14. The Final Development Plan will include FEMA compliant storm shelters either in the individual living units or in communal safe rooms located at the clubhouse and/or maintenance building. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361). Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection;
15. Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan.
16. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points within the development);
17. All existing and future driveways must feature curb cuts that are constructed to UG standards;
18. Carports within the development shall match the residences (roof pitch and materials) within the development;
19. The City Planning Commission approved the deviation for architectural design. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade.
20. The City Planning Commission approved the deviation for materiality as per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and

related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.

21. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;
22. Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site;
23. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.
Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.
The site is 32.19 acres, which requires 312 trees, 29 additional evergreen or shade trees and 232 shrubs for buffering per the zoning district;
24. One (1) street tree shall be provided per 30 feet of frontage along a major street. State Avenue is classified as a Class A Thoroughfare and Delaware Parkway is classified as a Parkway; therefore 36 trees are required to be planted along State Avenue and 14 trees are required along the Delaware Parkway frontage;
25. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
26. All landscaping shall be irrigated;
27. If proposed, all trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
28. All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
29. All electrical meter banks, typically on the side of the building shall be screened from public view;
30. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
31. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
32. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
33. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the

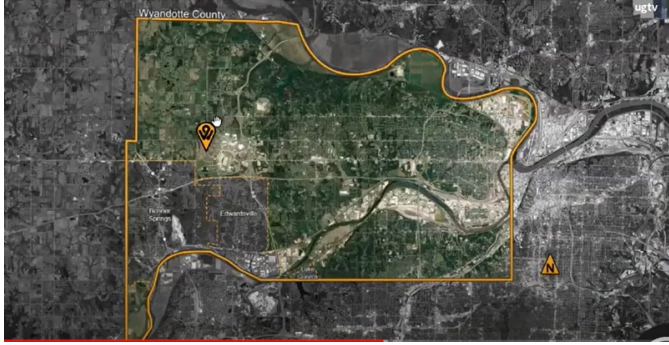
Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

34. All existing and future driveways must feature curb cuts that are constructed to UG standards;
35. 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;
36. 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;
37. 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; and,
38. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

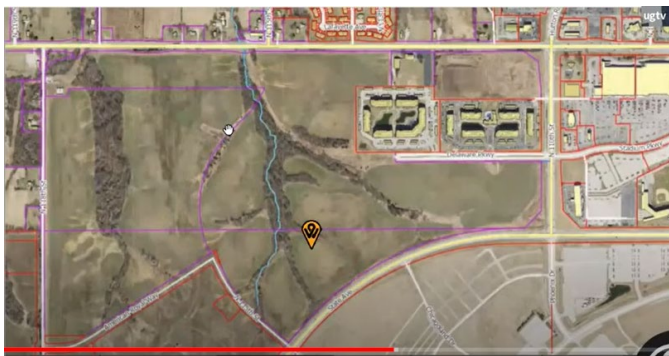
Mayor Garner said I'll ask staff to make some opening remarks.

Case		ugtv
COZ2022-033 & MPL2022-020		
Petitioner	Address	
Todd Thomas	1921 North 118 th Street Kansas City, Kansas 66109	
Synopsis		
To rezone from A-G Agriculture District to RP-4 Planned Apartment District and preliminary plat one (1) residential lot to build a multi-family development consisting of cottage-style single-family homes and duplexes totaling 232 units.		

Gunnar Hand, Director of Planning and Urban Design, said, again, before us we have a change of zone from A-G to RP-4 as well as a case that's in conjunction, Master Plan Amendment 2022-020 to change the land use category to medium-density residential. This is a multifamily development of 232 units. Although it's configured in a single family and duplex type typology, this is a new typology that we've been starting to see quite a bit of across the region, including several developers who are interested in doing the same typology here in Wyandotte County.



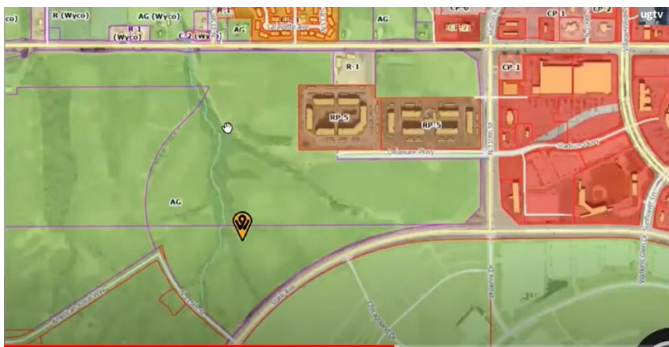
This is in the Prairie-Delaware Piper Master Plan area.



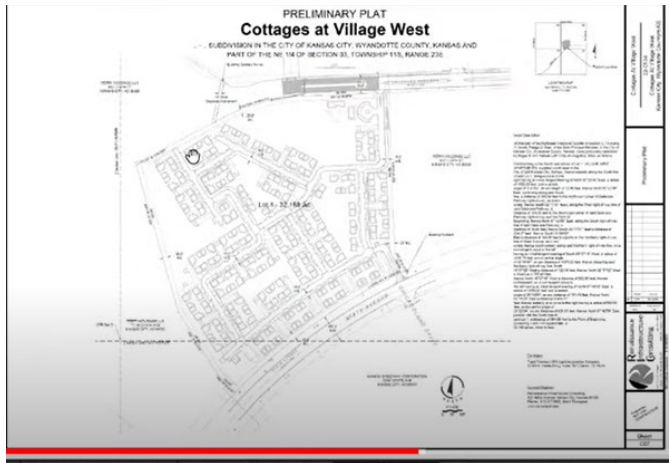
We received no letters of support; no letters in opposition. There was a member of the public that attended the City Planning Commission that was in opposition. No notices of violation.

We asked the applicant to adhere to the multifamily design guidelines. A final development plan is required for this change of zone and project.

Staff does have one change we'd like to make. In between Planning Commission and Board of Commissioners, there was a typo in condition No. 14 as it relates to the provision of FEMA storm shelters. Condition 14 should have kept the first sentence as in and should delete the second two sentences. As such, we'd ask for that in the motion of approval.



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Staff agrees with the Planning Commission's recommendation of approval.

Mayor Garner asked, is there a representative or applicant that can make some comments?



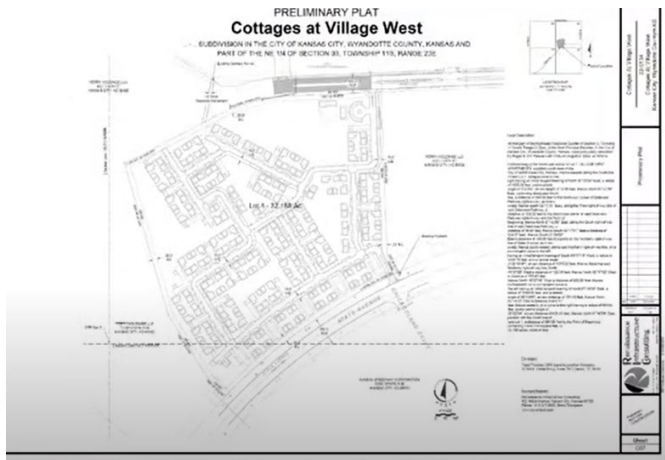
Curt Petersen, representing the applicant, 900 W. 48th Pl., KCMO, said CPC Land Acquisition Company, the developer, is owned by Criterion Development Partners, which is based in Boston and Dallas. They have a long standing excellent reputation for incredibly nice multifamily products in that market. Todd Thomas and Kelsea Riddick, from Criterion, are here from Dallas, behind me, with my WyCo EDC Board Member hat on. I know you all will smile at them and say thank you for choosing Wyandotte County for your very first investment in all of the Kansas City metro area. They're very wise. They made a very good decision.

Speaking of good decisions, I intend to make a very, very trumpet presentation, not because this isn't something we've worked on for many, many months, but because we've come before part of this body in the form of committee, and we've come before this body as a full body when

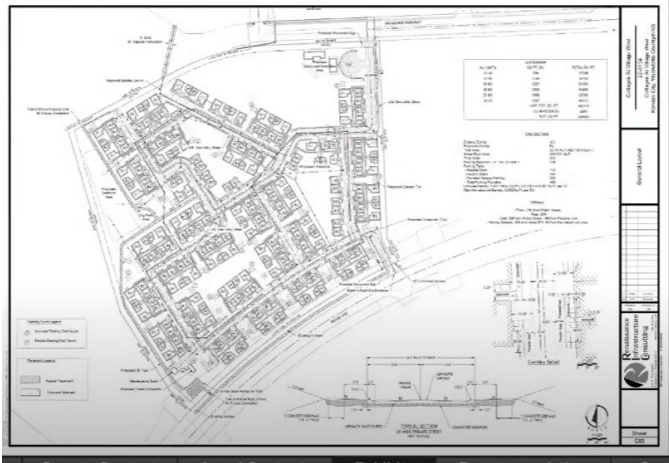
we came through with the public incentives to support this project. So, I know you know a lot about this project. Mr. Hand just gave you an explanation. There's a thick packet in front of you.

We're in agreement with the strong recommendation of the Planning Commission and staff. So, of course, while I'm very prepared, as long as you'd like to get into questions about this very exciting project, I would just leave it at this. In terms of the stipulations 1 – 38, with the modification of stipulation 14 that Mr. Hand just made, we are accepting in support of all those stipulations. Craig Criterion is thrilled, too. Hopefully, after tonight, make an incredibly large investment in this community. We're just excited that we're here. I am available for any questions commissioners have.

Mayor Garner said thank you. I'll now open the public hearing. Clerk, are there any notifications received from the public who wish to express their comments in favor of this item? **Ms. Sparks** said no comments were received.



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



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



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

Mayor Garner said I will now close the public hearing. Would the petitioner like to make some closing comments? **Mr. Petersen** said no. Thank you, Mayor.

Mayor Garner said we're now going to open up for comments and questions from our Commission.

Public Opposition	Public Support
Staff has received a phone call opposing this development. One (1) person spoke in opposition to the design of the project at the October 10, 2022 City Planning Commission hearing.	None to date.
Staff Recommendation	
Approval	

Action: Commissioner Stites made a motion, seconded by Commissioner Davis, to approve as submitted, subject to the stipulations.

Commissioner Ramirez said just one question to Mr. Hand. I'd like to ask the question because I'm curious as to why Planning Commissioner Ernst voted no. **Mr. Hand** said not to put words in Commissioner Ernest's mouth, but during the City Planning Commission, there was one item related to the design of the project that staff brought to the City Planning Commission and he felt, by principle, that we should support the Planning Commission on that item. The Planning Commission decided to remove that condition of approval as they put forward the recommendations. So, principally, he was trying to support staff, I believe. **Commissioner Ramirez** said thank you.

Mayor Garner said I know I have a motion to approve, but the actual motion being presented for a Change of Zone COZ2022-033 and Master Plan Amendment MPL2022-020 - Todd Thomas with CPC Land Acquisition Company. Does that reflect the motion and the second?

Commissioner Stites said I made the initial motion. Do we need to...do you want to go through the first one and then I'll potentially make a motion for the second one? **Mayor Garner** said okay. Well, we've got a motion to approve and a second. Clerk, roll call.

Roll call was taken to approve Master Plan Amendment Application MPL2022-020 and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Mr. Hand said the change of zone should be next.

Action: Commissioner Stites made a motion, seconded by Commissioner Davis, to approve Change of Zone Application COZ2022-033 as submitted, subject to the stipulations.

Mayor Garner said there's a motion for approval of Change of Zone COZ2022-033 and Master Plan—we did that one. Okay. We'll go back. I believe there's a motion to approve the Master Plan Amendment Application. We have a motion and a second. Clerk.

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

Item No. 3 - 212045...CHANGE OF ZONE APPLICATION COZ2022-030 - ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District to construct a duplex at 4229 Douglas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

Item No. 2 – 212071...MASTER PLAN AMENDMENT MPL2022-016 - ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Medium-Density Residential (City-Wide Master Plan), to construct a duplex at 4229 Douglas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Andrea Weishaubt with Atlas Surveyors, is seeking to change the zoning district from R-1 Single-Family District to R2 Two-Family District and amend the Master Plan designation from Low-Density Residential to Medium Density Residential to construct a duplex on the subject property at 4229 Douglas Avenue. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment MPL2022-016 and Change of Zone COZ2022-030, subject to:

1. The applicant shall coordinate with the Wyandotte County Health Department regarding installation of the septic tank;
2. The applicant shall utilize a silt fence and straw wattles to limit land disturbance within 20 feet of the drainageway;
3. 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;

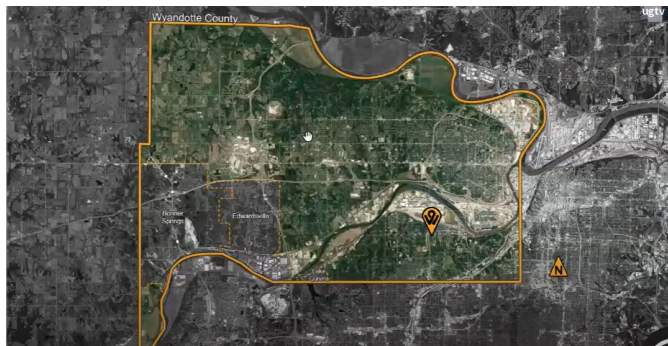
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
6. 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;
7. 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;
8. Section 27-477 states that any new residential use shall contain an area of storm protection. Such area may be a room or space, such as a basement, or a structure complying with Federal Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof;
9. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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; and,
10. Per Section 27-213(g)(5), the City Planning Commission shall recommend, and the Board of Commissioners shall grant, approval or denial of the 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.
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Mayor Garner asked, could you make some comments for me, Mr. Hand?

Case	
COZ2022-030 & MPL2022-016	
Petitioner	Address
Austin Thompson & Andrea Weishaubt	4229 Douglas Avenue Kansas City, Kansas 66106
Synopsis	
To Change the Zoning from R-1 Single-Family District to R-2 Two-Family District. Master Plan Amendment from Low-Density Residential to Medium-Density Residential.	

Gunnar Hand, Director of Planning and Urban Design, said again, this is a change of zone from R-1 to R-2. It's being heard in conjunction with Master Plan Amendment 2022-016 to medium-density.



We have a vacant parcel in the City Wide Master Plan area, kind of right at the dividing line between Argentine and Turner.

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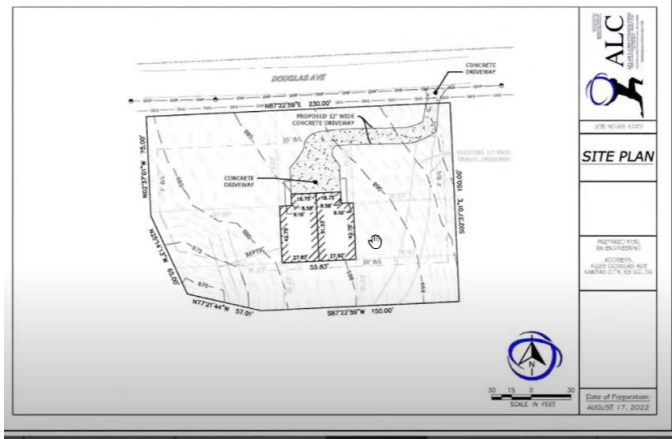
It's a vacant, single-family zoned parcel that the applicant wants to build a duplex on. To allow that to happen, he needs a change of zone in the master plan amendment.

We received no letters of support, no letters in opposition, and no notices of violation.

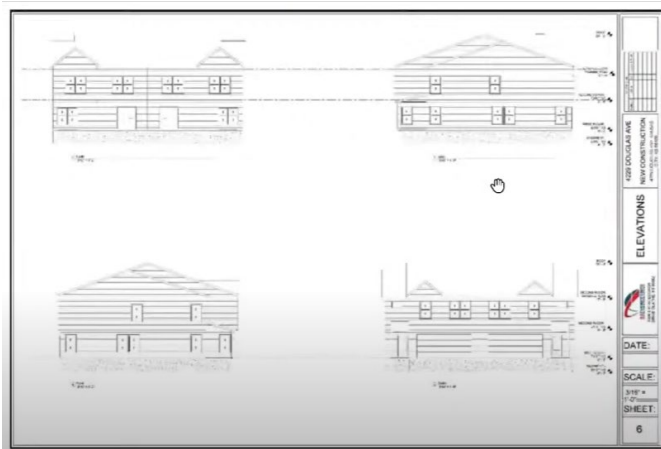
As you can see from this property, it's adjacent to the I-635. This property is less than one acre, and it is removed from the sewer lines up the hill to the east. As such, the applicant is seeking to put this new duplex on a septic system, which he needs, by requirement, more than one acre. As you can see behind the property, that property is actually landlocked. That house that you see is old. That's been demolished since. That is a Land Bank parcel that the applicant has since already applied for it in order to be over one acre. As such, staff asked that this be pulled from the Consent Agenda so that we can add a condition to require them to obtain the Land Bank parcel so that they meet that one acre minimum threshold for a septic tank.

So, with that, this would require eight votes since we are technically amending the recommendation of the Planning Commission with that additional stipulation to acquire the Land Bank property to the south. Staff recommends approval.





Mayor Garner said I'll ask the applicant to make some remarks. Is the applicant or a representative available?



October 27, 2022



Public Opposition	Public Support
None to date.	None to date.

Staff Recommendation

Approval

Austin Thompson, for Andrea Weishaubt, Atlas Lane Consulting, 2300 Hutton Rd., Ste. 108, said just as Mr. Hand stated, our client is looking to change this from R-1 to R-2 to build the duplex. We received these staff comments after the City Commission and after getting with our client, I received that he turned in an application to acquire that Land Bank property today, to the south. He is on board with all the staff requirements to get that and get over the one acre in acquiring the Land Bank property to the south.

I don't have any other comments or concerns.

Mayor Garner said thank you. 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 no comments were received.

Mayor Garner asked, is there anyone 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 no hands are raised.

Mayor Garner asked, Clerk is there any notification received from the public who wish to express comments in opposition to this item? **Ms. Sparks** said no comments were received.

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

Mayor Garner said I'll close the public comments. Would the petitioner like to make any closing comments? **Mr. Thompson** said no, thank you.

Mayor Garner said that closes the public hearing. We will open it up for questions from our Commission.

Action: **Commissioner Markley made a motion, seconded by Commissioner Davis, to approve Change of Zone Application COZ2022-030, subject to the stipulations.**

Mayor Garner said we have a motion and a second. Clerk, roll call.

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

Action: **Commissioner Markley made a motion, seconded by Commissioner Davis, to approve Master Plan Amendment Application MPL2022-016, subject to the stipulations.**

Mayor Garner said we have a motion and a second. Clerk, roll call.

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

MASTER PLAN AMENDMENT APPLICATION

Item No. 1 – 212060...MASTER PLAN AMENDMENT MPL2022-020 - TODD THOMAS WITH CRITERION

Synopsis: Master Plan Amendment from Business Park (Prairie-Delaware-Piper Master Plan) to Medium-Density Residential (City-Wide Master Plan) to construct duplexes and other multi-family residences at 1921 N. 118th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone Application COZ2022-033.

Item No. 2 – 212071...MASTER PLAN AMENDMENT MPL2022-016 - ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Medium-Density Residential (City-Wide Master Plan), to construct a duplex at 4229 Douglas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone Application COZ2022-030.

Mayor Garner said that ends this session of our Planning and Zoning Agenda. It takes us to our regular portion of our Commission meeting.

REGULAR AGENDA

MAYOR'S AGENDA

Item No. 1 – 211724...UPDATE: COUNTY ADMINISTRATOR SEARCH PROCESS

Synopsis: Update regarding County Administrator's Search Process by Tyrone Garner, Mayor/CEO.

Mayor Garner said as we know, a firm was selected and we had to transition to a new firm. The name of that firm is called GovHR. They're planning onsite visits on November 15th and 16th, and they will move forward under the direction of Mayor Harrington of Bonner Springs and Mr. Bill

Johnson with BPU and the search task force that was selected by your Unified Government commissioners. So, that process will be moving forward. After Mayor Harrington and Mr. Johnson have an opportunity to meet and discuss next steps with the task force, they'll be giving updates in the future as to the process.

Do any commissioners have any questions in that regard? Okay. That was for information only.

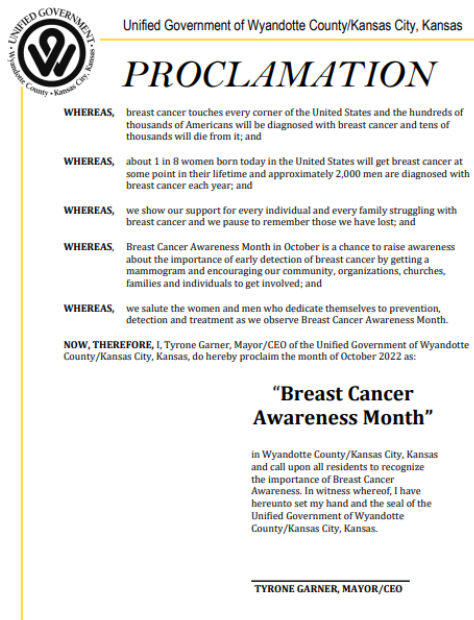
Action: For information only.

Mayor Garner said Items 2 and 3 are proclamations. Clerk, could you please read those.

Item No. 2 – 212073...PROCLAMATION: BREAST CANCER AWARENESS MONTH

Synopsis: Proclamation proclaiming the month of October 2022 as Breast Cancer Awareness month, submitted by Tyrone A. Garner, Mayor/CEO.

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



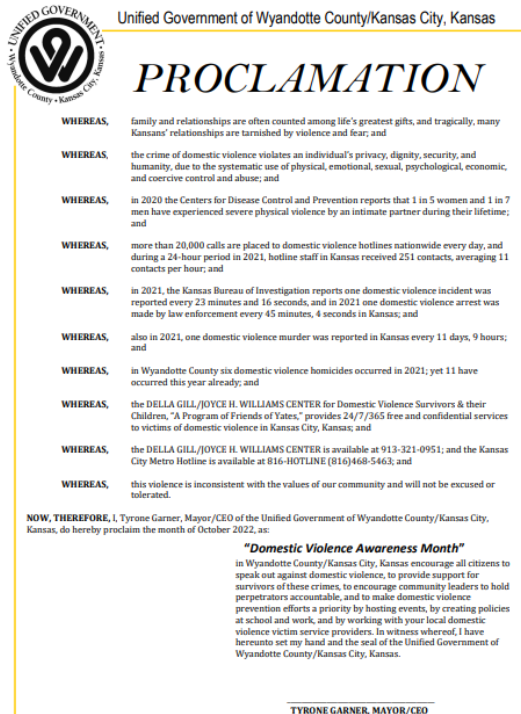
Action: The proclamation was read.

October 27, 2022

Item No. 3 – 212075...PROCLAMATION: DOMESTIC VIOLENCE AWARENESS MONTH

Synopsis: Proclamation proclaiming the month of October 2022 as Domestic Violence Awareness month, submitted by Tyrone A. Garner, Mayor/CEO.

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

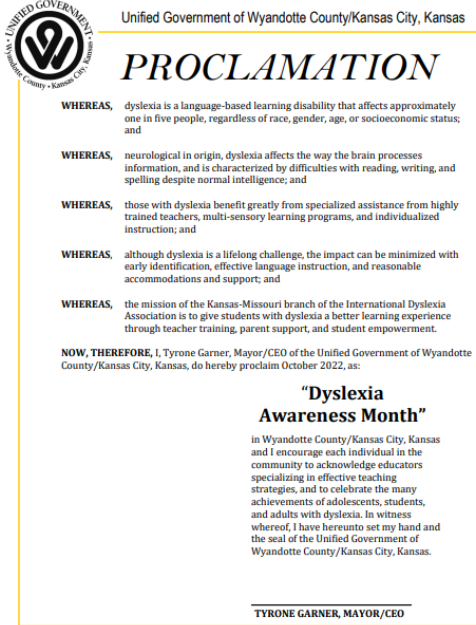


Action: The proclamation was read.

Item No. 4 – 212076...PROCLAMATION: DYSLEXIA AWARENESS MONTH

Synopsis: Proclamation proclaiming the month of October 2022 as Dyslexia Awareness month, submitted by Tyrone A. Garner, Mayor/CEO.

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



Action: The proclamation was read.

Mayor Garner said thank you, Clerk. Those proclamations represent Items 2, 3, and 4.

Item No. 5 – 212087...UPDATE: BIOSOLIDS PROJECT

Synopsis: An update from the Public Works Department regarding the Biosolids project, submitted by Jeff Fisher, Director of Public Works. Commissioner Burroughs requested to send the item back to standing committee.

Mayor Garner said I'll turn it over to Mr. Jeff Fisher, the Director of Public Works, for a presentation.



Jeff Fisher, Executive Director of Public Works, said we have all three members of the project team with us. We have HDR, who's been before you recently and who's the owner's rep. Then we have also UG Water partners who's the construction team. I know there were a few members of the elected body that had some interest in an alternative technology. I know Mr. Deichler has called you today to let you know that over the last 24 hours, researched that again and ruled that out once again. It was a technology we ruled out four years ago.

I'm going to ask Pat Young, from HDR, to speak to the alternatives that we ruled out a few years ago and again, in the last 24 hours, and take any questions you have on that. Then speak to the information that's on this that you were emailed and is before you, I believe. Then we'll take any questions on the biosolids projects.

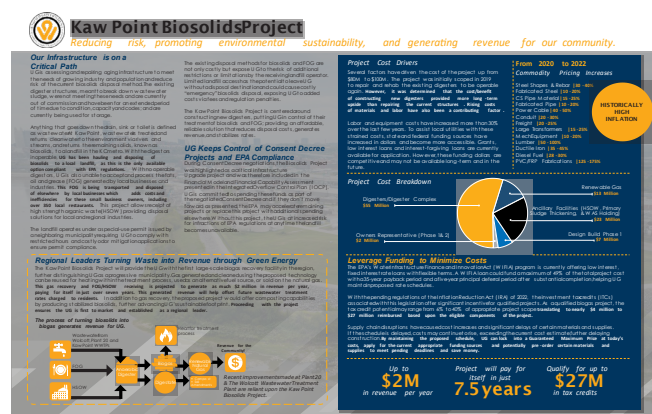
Patrick Young, HDR, said the first thing that we did was take a look at the proposal that the Unified Government had received on the biosolids project, and that was a process that was talked about at one of the previous meetings that we had. We took a look at that proposal and that proposal was really based upon them providing a regional solution, not just Unified Government biosolids, but also treatment of the biosolids for Kansas City, MO.

One of the things that I noticed within that proposal is they had a minimum threshold. The project had to be this big; receive this much in the way of biosolids for it to economically work. I compared that to the amount of biosolids that you produce with the Unified Government. It was approximately three times that amount. So, when I looked at that project itself, when you look at the fact that it had a different basis, the basis was a much higher quantity of solids and the fact that was a 2017 proposal versus today. The costs have gone up. It would obviously take, to make economical sense for them to provide a project, it would take a much larger amount of solids than

you have today to make economic sense for that. That was all based upon you being able to dispose of your biosolids at a similar cost to what you pay at the landfill today.

The other thing that I did as a form of research, is I went ahead and looked at facilities and land in the United States or have gone in. The ones that I could find, I really see what the drivers of those were. One of them that really stuck out because I think it kind of embodied the type of facilities. I was in New Jersey. The big driver there to create and use this process was because of the long-haul cost, right? They don't have access to farm property that's close or nearby, so their haul-costs are significantly more.

So, when we looked again at that, took another look at the process that was ruled out, as Jeff indicated four years ago, just don't see the drivers for the Unified Government that makes that process work for the Unified Government in the disposal of the solids that way.



As far as an update on some of the other questions that were asked. There was an update provided. One of the questions that this group had in one of our previous meetings was, how does this project relate to the consent decree itself? When you look at the consent decree, this project, the biosolids improvement project construction, the digesters, was included in the financial capability analysis for the EPA. So, it was build-in. When you do a consent decree project, the EPA must allow you to do the projects that you need to do anyway to do business. So, this really kind of falls under that. It's a renewal. You had digesters. It's a renewal or replacement of those digesters. They must allow you to do that and consider that.

Then they look at your financial capability to pay for projects beyond that to basically deal with the consent decree itself and the combined sewer overflow. It's our opinion that if you were to remove this project from that financial capability analysis that was done with the EPA, they

have the opportunity then to go back and look and have you revise that financial capability analysis. You obviously pull a project of this size out of it and that gives them the ability to say, do something else as a part of that consent decree to where you'd be paying the similar dollars anyway. So, that's kind of an update from the last meeting.

On the right-hand side of that slide, what you'll see is some of the financials of it. I have actually some good news at the end of this and I'm really going to hold it for the end of my piece of this presentation. But on the financial side itself, we really broke the project down. How much are digesters? How much is this renewable gas creation; a portion of the project. How much are other facilities?

Then at the bottom, some of the questions that were asked. We went through in the on 3 meetings. This project actually generates \$2M in revenue a year from the tipping fees and the sale of that gas. When you compare that to the cost of that initial piece of improvement with operation and maintenance costs, it pays for itself in a little over seven and a half years. Again, it's listed at the bottom. The project pays for itself. That's the gas portion of the project.

In addition to what I listed there, there's another piece of revenue. It's really a revenue savings. The project also saves the Unified Government about \$1.4M per year in what you currently spend to deodorize the solids and then in the amount of solids that go to the land fill and in tipping fees at the landfill. So, when we look at the digesters and the reduction, it immediately saves you another \$1.4M annually on that.

The best news that I have, and this is not something we've talked about in any of the previous meetings, the Inflation and Reduction Act that was passed, it includes a tax rebate for creation of projects like this, specifically it's called out. Any project that takes biomass and converts it to gas, then cleans that gas and then puts it back in a pipeline for beneficial reuse, has the opportunity to get a tax rebate. Municipalities have the opportunity to apply for that rebate.

We've listed in here; it varies—the rebate amount will vary from 6 – 40%. I will tell you that the 6 – 40, 6 is the minimum amount. Then items like paying prevailing wage for the project to be constructed, which you would pay, so you'd check that box. You'll get that piece as well.

There's another piece that if you require certain amount of apprentice labor during the construction of the project, if you check that box, you get an additional amount. Then finally, if the project is constructed with domestic products, USA products, you can check that amount. So if you were to check all three of those boxes, that's how you go from the 6% minimum to the 40%.

Now, it's not on the entire project. The rebate amount is on the piece that creates, that converts the biomass to gas, so the digester piece. You can see that's listed as \$55M of your project, so a very large piece of it, and the piece of the gas cleaning itself, which is another \$13M. So, we've listed up to \$27M in tax credits. We're listing it as an up to because the devil is always in the details.

The Department of Treasury still has to write all the final rulemakings that's associated with that. That should be out the end of this year, beginning of next. They're currently in a comment period for it.

The most important thing with this, the project has to be in construction by January of 2024 to be eligible. So, the rulemaking has to come quick. We'll know and be able to refine for you is it 30%, 40%, 20%. What do we see that once that final regulation comes through. It has to come through quickly because these projects have to be in construction by 2024.

So, that's my brief summary of some of the additional information provided and information that we went through in the on 3s.

Mayor Garner said thank you. I will now open up for questions from our commissioners.

Commissioner Bynum said thank you for the presentation. I want to make sure I'm understanding. We received an unsolicited proposal for biosolids. Is that what I heard at the beginning?

Mayor Garner asked, could you answer that, Mr. Fisher? **Mr. Fisher** said I was just made aware that a few members of the elected body had interest in alternative technology. So we did homework again on that certain technology in the last 24 hours and ruled that out. **Commissioner Bynum** said oh, okay. So it wasn't necessarily a proposal in hand. **Mr. Fisher** said I didn't receive a proposal. **Commissioner Bynum** said okay, because I've heard the alternative come up a number of times over the years that we've talked about it, and I have never seen them. So, I was just going to ask for a copy of whatever that was. **Mr. Fisher** said we've received one like four or five years ago. We ruled that out along with other technologies and then this came up again. **Commissioner Bynum** said okay. Thank you.

Commissioner Davis said thank you so much for the presentation. I'm curious, in you all's experience working with other cities because again, aging infrastructure is not unique to Wyandotte County. Can you all speak to what your experience has been when cities have put in the investment to significantly upgrade their infrastructure?

Mr. Young said sure. This is a very common type of project going on right now. A lot of the facilities that were constructed in the '70s and '80s with large amounts of grant money have reached the end of a useful life, so many communities face the same task that you face right now. That is, ultimately this project replaces a facility that you had that has not been in operation because of the condition of that facility. That's kind of a normal part of the way this is done. Again, the most exciting thing that I—the biggest item I'm excited about is the fact that you can get a tax rebate on this. We don't often see the opportunities for those types of returns. Most of the time we see that communities have to basically foot the bill for the entire project and then go through that.

Again, this is very common when you look at the ages all this infrastructure was built and why it has to be done today to basically renew those facilities.

Commissioner Davis said just another question. Can you talk about the impact projects like these have on present and future development once it has been installed? What does it do to an area that has been distressed or redlined or hasn't seen as much investment? Can you speak to that in your experience?

Mr. Fisher said I just know I've read several studies and I know we've seen examples here in the UG. You invest, the UG invest, private investment follows. For example, Leavenworth Road. I remember Commissioner Bynum emailing me and saying hey, we're seeing private investment. I think you said that in public. I've seen that in all three cities that I serve. I'm sure Ms. Harrison-Lee has too, right? So, public investment easily is followed by private investment. The sewer system is like necessary for a civil society, right, so if you invest in that infrastructure, you're going to see development. The UG invested out west in the sewer system and has seen the fruit of that.

Commissioner Davis said I'm just asking these questions so our community knows. I've had the privilege of visiting that facility in Wolcott out west, right? Talk about out west, right, where a lot

of investment and a lot of fancy projects and now we're talking about a project that potentially could be one of the largest recent investments in the east side of our city and what it can do, right, to really revitalize in a particular area. I just wanted to make that particular point here and for that not to be lost in the other conversations that we're really talking about investing particularly on the eastside of the city, east of 635, which we say we want to do. Now we have an opportunity to follow through on that.

Mr. Fisher said very good point. And then 18 years, in 3 different cities, I've never been able to recommend an investment that also returned \$2M+ a year in revenue.

Mr. Young said that's really the only point that I might add that I didn't make before is the fact that this project allows you to treat high strength waste from the facilities, right? So, when a company looks at what's my cost of operating, if they generate some of these types of waste, the ability to take it and keep it within the Unified Government and have it treated there cost-effectively, is certainly something that can attract other businesses beyond the impact of the construction of the actual improvements.

Commissioner Stites asked, so are we spending around \$800K a year in the landfill right now, currently going to the landfill? **Mr. Young** said you're spending more than that right now. When you look at—let me pull my numbers—so right now you're spending about \$800K a year to apply a chemical deodorant to the solids that you're disposing of.

Commissioner Stites said the last presentation, it was \$600K for the deodorant and then this time it was \$1.4M. So I just did the quick little math, which I take \$600K minus—or \$1.4M minus \$600K and left \$800K. **Mr. Young** said yeah, the \$800K is the annual chemical savings. The \$600K is the disposal savings. So, it's about a 20% reduction in the amount of biosolids you would take to the landfill once the digesters are in place or you would land apply. We just ran the numbers based upon the landfilling cost and it saves \$600K from a destruction of the solids through this process and \$800K was the chemicals. The two added together is the \$1.4M.

Commissioner Stites said thanks.

Commissioner Burroughs said I appreciate going through these numbers again because I've watched this project grow tremendously. So, how long was the digesters down in Kansas City? Do we know how long? What was the life expectancy of those digesters when they were put in?

Mr. Fisher said I'll have to ask Jeff Foglesong to help on this one of when the digesters went down and when they were destructed. I don't remember the years of that.

Trenton Fogleson, Senior Engineer, said those digesters were constructed as part of the original plan in the '60s. I don't know why they were originally were offline if it was fully due to the condition or just other operational concerns, but it was sometime in the mid-'80s that they ceased to be operated as digesters. I just know from the '90s on, they were not in a condition that they could have been put back in service.

Commissioner Burroughs asked, do we know what the original cost of that facility was when it was originally built? Somebody has to have that information. **Mr. Fogleson** said I've never seen any figures. We could try to track that down. I suspect it was built with a lot of federal monies and grants back then during the Clean Water Act time periods.

Commissioner Burroughs said I would hope that we would find out what kind of investment we made back then for the money and the longevity we got out of that project to see if we're going to, once again, spend \$100M in Wyandotte County on projects that will last maybe 20 years and not maintain them and, once again, come back to the taxpayer with fees and requests that they, once again, invest in a major project.

So, I guess my comment would be, if you guys were able to look at the private sector in 24 hours and come back with this information in this document, I would think that if we were to have you up here before a subcommittee and go through some of these questions and have some of those answered, you could probably do that within the next couple of weeks.

Mr. Fisher said well, first of all, the 24 hours, we had already done that homework once four years ago, you might recall. So, it didn't take us long to dig back into that and do the research we needed to do. That application just hasn't come along and have municipal application that was easy to find out. So, we ruled that out fairly quick. I don't know. We can find that information you're looking for. We can't, obviously, be responsible for what happened in the '80s and the '90s and we're not going to probably be here in 20 or 30 years, so I can't be responsible or have a crystal ball. We can certainly get that information for you if that's very interesting to you.

Commissioner Burroughs said well, I think it's imperative that we look at what we've invested in the past to address some of these concerns. We seem to be able to purchase and build on taxpayer dollars but we don't maintain. We have a tremendous amount of deferred maintenance

all across our community, but a project of this significance at \$100M, what did we learn from the previous project that we can just take them offline and go back to an alternative method of dealing with our waste.

Commissioner Burroughs said I know in your original comment, Patrick, and I believe it is Patrick, right? Thank you. I want to make sure I get your name properly. Patrick, you had mentioned that the tipping fees as well as a few other things were—the amount of, I’ll call them waste that we had, if the alternative proposal would have to bring forward was three times what you all were proposing to bring in.

Mr. Young said what I indicated was the information I had looked at, the basis of that group saying I can take that waste and treat it for \$50 was based upon a facility that was sized for approximately three times the amount of solids that you generate. So, when I looked at that, they weren’t just basing it on providing a service for the Unified Government to make the project work, they were looking at KCMO solids, Unified Government solids, and frankly, they had a piece that was not biosolids. That would be yard waste and things of that nature as well to make the project large enough to financially work. They actually stated within that document that the minimum amount had to be x to make this project viable.

Commissioner Burroughs said sure and I can appreciate that, but I think in the original proposal you guys brought forward was Missouri was going to be a partner with us. At that time, the cost was only around \$40M. Now Missouri is no longer a partner with us and the price is \$100M. I don’t know about this gas because I don’t know that there is a need for the gas right now. I go back to looking at the capture on the ethanol plants and the closed loops that they went through dealing with ethanol and how they managed to close loop that entire process. This process is something like that.

Commissioner Burroughs asked, did I hear you correctly say that there was no other facility that does what the alternative organization proposed? **Mr. Young** said I didn’t say there were no other facilities. I said when I looked, the most representative one I could find was in New Jersey. There are others around the world that do this process. There’s not a lot in the Midwest. I couldn’t find any in the Midwest treating biosolids at the scale that you’re talking about here.

Just to go back to the gas for a minute that you talked about. Gas cleaning and creating what's called renewal energy credits, that's been around for years and years and will continue to be that way. You see it in the Inflation Reduction Act. The fact that this specific process is called out for this tax rebate. There's still an encouragement to produce that gas, to use that gas. It is green gas, and that revenue is here to stay.

Commissioner Burroughs said those renewal credits have a tremendous value. I mean, it's no different than carbon credits or anything else that they put forward. That helps the project finance itself; the return on investment.

Commissioner Burroughs said, again, Mayor, I don't want to hold up all the conversation this evening, but \$100M is a lot of money. It's a tremendous amount of money. Did they give you a cost of what the other project might run? Was there a cost associated to that? **Mr. Young** asked, which other project? **Commissioner Burroughs** said the one that you compared your study with. **Mr. Young** said the one I looked at was a much bigger facility. It was in the hundreds of tons per day of solids. What I saw, it did not have the cost of that facility. It would be something dramatically more than this. **Commissioner Burroughs** asked, so you think it would cost more than \$100M? **Mr. Young** said yes, for their project.

I will tell you, when I looked at the technology—I'm not trying to get too complicated here. You have multiple steps in that. To create the biochargers, there's multiple steps. The first step in that process is you have to dry the solids out. I, personally from my work force, put two of the three dryers that are in Missouri. We designed those facilities and put them in. I don't believe there are any dryer facilities in the state of Kansas right now.

The drivers that make that work—for instance, the project I did for the city of St. Joseph 10 years ago, that project was about \$10M for that one single dryer and it doesn't have the capacity of what you would need. Today, that project would be in the \$15M+ range. You start to bring that out to the cost of what you would have to have for the amount of solids you have today, what you have to have in redundancy today, when you add on the other unit processes behind that, it's not a cheap process to build. It's very equipment intensive and energy intensive. You're talking about generating temperatures that are 1000 degrees Fahrenheit to create this project. To create the product, you've got to produce a lot of gas, generate a lot of gas, use a lot of gas to be able to do that. So, it's just not a cheap process to construct.

Commissioner Burroughs said thank you. Mayor, thank you. Again, I don't want to belabor the evening. Mayor, it has been proposed that a number of the commissioners take a trip to a facility that does and provides the services that are being proposed to us tonight as an alternative. I would ask that we refer this back to a subcommittee for further review until we have the committee and Commission members that want to take the tour to see the facility that, I think, you referenced that you said wouldn't work. So, evidently there's a facility that does work somewhere and they've offered us a tour, so I would kind of like to have an opportunity to visit that facility, Mayor.

Action: **Commissioner Burroughs made a motion to refer this item back to a subcommittee to allow the committee and Commission the opportunity to tour an alternate facility.**

Commissioner Bynum said I would just suggest that if we're going to send it somewhere, it should come to Public Works and Safety Standing Committee. That would be my suggestion to where it should be. I'm trying to wrap my head around what action is needed from the governing body. I simply don't know the answer to that. I am—if we want to have a tour of a facility such as what's being proposed, then I would absolutely love to participate in that. It strikes me that the Public Works and Safety Standing Committee members would be invited on a tour like that. I'm just proposing that that's where this would belong if we were going to send it somewhere. I'm just not sure what legislative action is needed or requested so, thank you.

Commissioner Burroughs said if I may. A point of clarification. This is for information only. I don't want to make a motion. I just do want to share with the body that there is an opportunity to tour a facility that offers these services, and I would encourage just to at least take some time to review that before we make a \$100M decision. It's just my comments, committee, if it is truly for information only. Mayor, do we know? **Mayor Garner** said it's information only. **Commissioner Burroughs** said information only. Thank you. I'll withdraw my proposed motion, Mr. Mayor.

Action: **Commissioner Burroughs withdrew his motion.**

Commissioner Stites asked, where's this facility at? I've not heard of where's one at that we can go look at. Versailles? **Mr. Young** said this is the first I've heard of this facility. I looked at one that was in New Jersey. I didn't go physically look at it...**Commissioner Stites** said well, I didn't know if we were going for an hour trip or across the country. **Mr. Young** said yeah, there's one in Versailles, MO. Do we know if it's on their municipal solid waste or it's on another type of waste? My guess is it's a different scale and a different waste, but I'd love to be a part of that tour as well to look at it. **Commissioner Stites** said okay. Thank you.

Mayor Garner said I've got a question for you before we wrap this up. Who do you represent, again? **Mr. Young** said I work for HDR and we are your owner's rep. We're here to help you through decisions in the process and to evaluate the proposals that are coming to you. **Mayor Garner** asked, you said the owner's rep? **Mr. Young** said yeah. We are your—you, as the owner, we are hired as your representative on this project. **Mayor Garner** said okay.

Mayor Garner asked now, you said you didn't have a cost on those other projects? **Mr. Young** said the ones I looked at; they didn't publish the cost of those individual projects. They're going to vary dramatically based upon size and what they're treating and what they're doing.

Mayor Garner said, so, if you don't know what the cost is, how can you say you know that the cost is going to vary and be more without having adequate information? **Mr. Young** said, again, based upon the unsolicited proposal you received in 2017, what the requirements were in there were, right? They basically stated within that that they had to have a minimum amount of solids, which you're here and they're here, to make that project viable for them. That's why I can give that information or state that.

Mayor Garner said so, that's based on just—what are you basing that on? **Mr. Young** said based on the information that they provided. Their statement that the project had to be 70 tons worth of capacity a day to be viable for them. That's their statement; not mine. You're at 25 tons. That was a 70 ton per day.

Mayor Garner said okay and you're saying that without knowing the cost, that you can project the cost without knowing what the cost would be? **Mr. Young** said I'm saying that based upon the data they provided, they were saying a project that's smaller would not be viable. **Mayor Garner** said, but you don't have any cost estimates. **Mr. Young** said I do not have their cost

estimates, no. **Mayor Garner** said so you don't have any cost estimates now. You're just estimating. **Mr. Young** said we do these evaluations across the entire country. We look at the different technologies when we do that. I'm making that judgment beyond what they have provided on their own project. I am making that judgment based upon what we have seen for costs for facilities like this.

Mayor Garner said I totally agree with some of the commissioners' statements that we do need to invest in the eastern portion of our city, especially our infrastructure. I think this Commission has made that clear. But I also believe, with our financial health of the Unified Government, that a \$100M project is something not to sneeze at especially when you look at how we arrive when we go from \$80M to, I believe the last thing I heard, it could be \$100M but maybe slightly more. What that actually looks like, I'm not sure.

What I'm looking for, for this Commission, and for more importantly, this community, are there other viable options that can do the same thing at a reduced cost that can save our taxpayers money without getting us in this liability? That's what I haven't heard.

Mayor Garner said the question I had last time when you all were before me, which was never really answered to my satisfaction, is something failing at this biosolids plant to where it's exigent to where we have to fix this now, we're at critical mass or bad things are going to happen for our community, or can we tier some of these things in a way to maybe save our community money instead of looking at a \$100M project upfront? We know that the fiscal health of our community is not as such that can really support that in a viable way long term. I'm looking for the sustainable health of this community.

This Commission has a lot of hard decisions to make moving forward when we're talking about potentially being bankrupted in 2027 and we're going to add \$100M. I think this conversation should be more centered around of what are you doing to find ways to save money as opposed to raising the cost of this project from \$80M to \$100M. I have not heard that you've gone back to the table and say, you know what, I've seen all these costs go up. What other new green technologies may be out there? What grants may be out there? What's available that I can help, since you are the rep for this organization, that can help the taxpayers of this county save money? All I've heard is say we need more money and we want the taxpayers to foot the bill.

What I haven't heard, is this something that's really necessary at this moment in time. I haven't heard that you've gone out and you've done your homework to say that we can find alternative sources or projects or infrastructure protocols that may exist that can save this community some money. Those are the things that I think not only this Commission needs to hear; I think this community needs to hear. When you tell me that you're estimating, that's my opinion and that's what I'm saying because you haven't seen any numbers, that there's an increased cost of potential technology that may be out there without having any numbers, I mean, that raises a lot more questions for me as well. If you're going to say those types of things, I would hope within 24 hours great turnaround, but you don't have anything to back it up as far as numbers. That raises a huge question for me as well.

This is really important to me because I know the fiscal health of this community. I want the type of investment that our community deserves, but I want the right homework done. I don't like people coming up here and not being able to answer the questions. Some of these commissioners asked for some information the last time you were here. I haven't heard in this conversation not one of you mentioned that you are working on getting that information to the commissioners that asked for you to come back to them with the information to answer their questions. That's a problem too. So there's three red flags for me.

I hope that you take what I'm saying to heart. If there are technologies out there to save the taxpayers money in Wyandotte County, I would hope that you're doing things to actively search for those things because \$100M is a lot of money to spend. I've talked to my fellow commissioners and I think that they've come to the conclusion that there might be other options out there. If there are, we would like to know what they are.

So, I agree with Commissioner Burroughs that maybe we should take this and look at other alternatives moving forward.

Mayor Garner said my last question is, how much money are we spending a month with consulting? I believe, help me out, I think there's \$4.9M or something that we've spent so far. I mean, how much are we spending a month on consultation fees and things of that nature as this is ongoing while you're trying to get to where you need to be? Is that something that's necessary? If we're looking at alternatives and we're doing the things, and we're coming back to get these commissioners the information they need, is it necessary to keep spending money that we really

don't have as a county? Those questions haven't been answered either. So, if you can answer those questions how much money are we spending? How much money have we spent? What did we get? What was the return on that investment? What did we get for millions of dollars that we've already spent? How has that been realized as being viable or productive for this project? I think those questions need to be answered as well because I read this. It looks pretty, but it's a lot of generalization and it's some of the same stuff that I've heard before.

I think that this Commission, this community deserves something a little more constructive when you're asking them to foot the bill for \$100M that, frankly, I don't think right now with where we're at financially if this is something that is like red critical that this community can really afford. Not saying we don't need it, but we need to make sure that we're prioritizing things in a way that's fiscally responsible. So, I'm going to stop.

Commissioner Kane said you said some of what I wanted to say. I never head anybody say \$100M estimate, ever, in any line of work I've ever done in my life. If I went to my boss and said well it's \$10K is the estimate, I wouldn't be working there very long. We need to have documentation that says how much it cost. I hate slides. But you need to come to the standing committee and you show us how much it cost daily, and how much it cost weekly, and how much it cost monthly. \$100M is ridiculous.

Then, you guys need to know where this is going on somewhere else. We don't know that. If this is happening somewhere else, you guys got to tell us where it's happening at; how it's happening. You go there. I mean, if I have to go, I'll go, but you go there and come back and tell us. You know what, we probably ought to go because I'm not biting down \$100M. I'm telling you that right now. The citizens would go batshit crazy if we come up and say that's an estimate about what's going on and you guys spent \$100M of our money and you don't even know the facts about what's going on.

I don't know, folks. You're never going to get me to vote for \$100M unless you can document every single cent that I can go back to my district and say this is why we spent it and oh, by the way, we're going to get some money back, but we're going to have to get money back quick.

Commissioner Davis said thank you all for dealing with all of this. Is it possible when you all go to a Public Works and Safety Standing Committee to also give us the assessment of the current facility? I do think that is a valid concern. If we are going to put this investment in, which I think we still need to look at with other investments in a lot of other places, I do believe that before doing that, we do need to get just current conditions, what's the cost of operation, how many employees, right, are we having there. Are we currently losing money? I mean, is it efficient the way that we have that facility set up in a way that we're investing? Those numbers would be very helpful as well just to compare and contrast to see if this is worth the investment. Thank you.

Commissioner Bynum said I would state again that I think that we can have more conversation at the Public Works and Safety Standing Committee. But, Mr. Fisher, this was blue sheeted onto our agenda. I don't know why. When were you asked to bring us a presentation for tonight? **Mr. Fisher** said I believe I was told yesterday that it would be blue sheeted.

Commissioner Bynum asked, do we know why? The reason that I'm asking is because we've talked about this at standing committee more than one time over a number of years. This is not a new project. I see a cost breakdown on your slide. I'm sure that's the same as asphalt, gasoline, labor, and everything else happening in our world right now. Nothing is in stone as far as what something costs. So, obviously you're going to bring us your very best educated guess, that's called a hypothesis, as to what a cost would be.

I cannot imagine nor do I believe for a single second that you're guessing. I want to be very clear. I know you're not guessing. You are highly educated, qualified people. I know you're not guessing, so I will not use that terminology to speak with you about what it is you're trying to bring us.

But you were asked yesterday to bring a presentation for an unknown reason. I don't know the reason, but here we are again. If we're going to have the conversation, then let's bring it to standing committee where it belongs. Again, I don't know if we need some legislative action for you to be able to continue. I do not know. So, we will ask staff, we will ask Legal, we will ask our Administrator whatever we need to do. It's very frustrating for me to hear you questioned when you were told yesterday that we need this presentation today.

So, like I said, we've been talking about this for a number of years. I know it predates COVID. When you combine it with your efforts to get our attention on aging infrastructure, there

is absolutely no secret not among our staff, not among these elected officials that our aging, crumbling infrastructure needs our attention. We just spent an entire budget cycle on that. So, this is yet another thing that requires our attention in one shape or another.

If we want to look at alternatives, just tell me what they are. Give me the data. I haven't seen that either and I'm not holding you responsible for that, but if we're going to talk about it, then let's use the processes that are in place within this government to bring it through the proper standing committee for whatever conversation or action is needed and we can go from there. Thank you.

Commissioner Stites said I agree that if we're going to do anything, it needs to go back to standing committee. Here's what I'll say. If there are other alternative methods out there that we can look at that makes sense for us to look at, I'm not comfortable with a \$100M price tag. I think it's \$100M+. It's kind of a moving target actually.

It was mentioned a little bit ago, and I'm not saying this, Jeff, to poke at you, but you said we can't be held responsible for what occurred 20 or 30 years ago back in the '80s and '90s, and we probably won't be here in 20 or 30 years from now. But I can assure you that my family that's here from Wyandotte County that's been here longer than 20 or 30 years—my son lives here. My grandson lives here. They will be here in 20 or 30 years and they will be saddled with this \$100M debt that we're about to issue, or we're talking about issuing. I'm not comfortable with it. I think if there are other alternatives that we can look at and explore, maybe they work, maybe they don't. I don't know. That's not my job to find that out. So, I'd like for that to be explored and other alternatives looked at. Thank you.

Commissioner Davis said we're talking about age here. The youngest person on the dais hears everything that my colleague is saying. At the same time, to saddle current younger generations we're talking about, Gen Zs, Millennials, Generation Alpha, and others with aging infrastructure that we've chosen not to do anything about, this price tag goes up, right? No matter what it is. That's just how things go. I think we have to weigh both things, right? The cost of going forward, yeah.

There's also the cost of not doing anything and that is something that we have to, I mean, we have to take very seriously. We have other infrastructure whether it's our bridges, whether it's

our roads, whether it's our buildings, we have other items that fall into the category of infrastructure where we still have to figure out what we're going to do, right? I just want us to have a balance perspective of there is a cost of not doing anything. There's also a cost of waiting, right, because the price definitely goes up. You saw that just between the time you all introduced this project and now.

I agree with Commissioner Bynum. I don't know why we have this process of constantly introducing things to full Commission and not sending it to standing committee to vet them properly and it ends up being far more costly as far as our time. I hope to, at least, be watching you all on the Public Works Standing Committee so that you can answer our questions. Thank you for answering these questions.

Commissioner Stites said I don't know that anyone mentioned not doing anything. That's not what I'm suggesting at all. I didn't say that. Sometimes you go into a car lot, I have anyway, and I look at a brand new Chevy pickup truck. It's \$100K now. I like it. I want it. It looks good. A salesman comes out and he can do everything he can do to get me to buy that truck. At the end of the day, I might have to drive out of there in that Chevy Chevette that does the same thing. It gets me to the same place and saves me a lot of money. That's all I'm asking that we explore other options if they're out there. I'm not suggesting we do nothing. It is something we need to address. I'm just asking that we pump the brakes, look at other options, and see if they make sense. Thank you.

Commissioner Ramirez said I just want to say I do agree. Come back to standing committee so that we can work on it. One thing I'd ask, you know, Commissioner Bynum and I we did it when we were on the Infrastructure Subcommittee. As I also ask with Public Works, open, honest, unfiltered conversation, data-driven conversation just like we did with the subcommittee. That's all I would ask for going forward for when it's brought to the committee that it's unfiltered, honest, open communication, data-drive communication. Thank you.

Mayor Garner said I think it's clear, I mean, I think the Commission would like more information going back to standing committee. I think that's, I believe, correct me if I'm wrong Commissioner Bynum, with all the information. I think that'd be the appropriate course of action to take.

Also, if you go back to the last Commission meeting where we had this conversation. If you can make sure that we do get the commissioners that asked for information, that's also included. Hopefully, as quick as you can get this in 24 hours, I would hope moving forward that staff can work just as diligently when a commissioner asks for information that you can get it just as quick to them. I believe that was a few Commission meetings ago and I have yet to hear that information has been put in their hands.

Mayor Garner said I know the question as to why we got here today and why it was blue sheeted, because I wanted an update and I wanted to know if our commissioners' requests had been answered. So far, that question hasn't been answered to my satisfaction. So, we'll get, Administrator, I'm sure if we can get this on a standing committee with these questions as quick as possible and we'll move this conservation forward. But I think there were several things that needed to be addressed. The biggest ones are there cheaper options, how much are we spending a day, and what's the cost of benefit to the residents of Wyandotte County, and is it truly a critical necessity that has to be done immediately, right now considering our fiscal health and state of the Unified Government of Wyandotte County/Kansas City, KS. Okay. Thank you, guys.

Action: For information only.

REGULAR CONSENT AGENDA

Mayor Garner asked, does any member of the Commission or County Administrator wish to set-aside any item on the Regular Consent Agenda? If an item is not set-aside, all items on the Regular Consent Agenda will be voted on by one vote. I'll entertain a motion for approval of the Regular Consent Agenda.

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

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

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

Item No. 1 – 212007...RESOLUTION: BPU KDHE LOAN AMENDMENT

Synopsis: A resolution authorizing BPU to obtain a loan from the Kansas Public Water Supply Fund administered by the KDHE, submitted by Debbie Jonscher, Acting Chief Finance Officer, & Angela Lawson, Deputy Chief Counsel. On October 10, 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-65-22**, “A resolution authorizing the Board of Public Utilities of the Unified Government of Wyandotte County/Kansas City, Kansas to obtain a loan from the Kansas Public Water Supply Fund administered by the Kansas Department of Health and Environment.” **Commissioner Burroughs made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 2 – 212010...RESOLUTION: AMENDING BROTHERHOOD BANK MULTI-PURPOSE COMMERCIAL PROJECT INDUSTRIAL REVENUE BONDS

Synopsis: A resolution amending Resolution No. R-30-22 previously adopted determining intent to issue Industrial Revenue Bonds in the amount not to exceed \$28,000,000 to provide sales tax exemption on the Brotherhood Bank (753 State and 736 Minnesota Avenues) multi-purpose commercial project, consisting of office uses, multi-family units, and parking facilities for the benefit of KDG LLC, submitted by Patrick Waters, Deputy Chief Counsel. On October 10, 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-66-22**, “A resolution amending Resolution No. R-30-22 previously adopted by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, determining its intent to issue industrial

revenue bonds to finance the costs of acquiring, constructing, improving and equipping a multi-purpose commercial project for the benefit of KDG, L.L.C., and its successors and assigns (sales exemption only).” **Commissioner Burroughs made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Kane.

Item No. 3 – 212041...PLAT: PADILLA ADDITION

Synopsis: Plat of Padilla Addition, located at 3222 N. 38th Street, and being developed by Rudy Padilla, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

Item No. 4 – 212047...PLAT: DELAWARE HIGHLANDS SEVENTH PLAT

Synopsis: Plat of Delaware Highlands Seventh Plat, located at 130th and State Avenue, and being developed by Delaware Storage 2 LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

Item No. 5 - MINUTES

Synopsis: Minutes from the Executive Session Meeting on October 13, 2022.

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

Item No. 6 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business materials dated September 29 and October 6, 2022.

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

PUBLIC HEARING AGENDA

Item No. 1 - 212069...ORDINANCE: ADOPTING 505 CENTRAL REDEVELOPMENT DISTRICT PROJECT PLAN

Synopsis: Approval of an Ordinance adopting a Redevelopment Project Plan for the 505 Central Redevelopment District, submitted by Stephanie Bell, Economic Development Management Analyst.

Mayor Garner said I’ll ask Todd SaSala, Special Counsel, to make some opening remarks.



Todd LaSala, Stinson Law Firm, 1201 Walnut, KCMO, business address. I appreciate the opportunity to appear before you tonight. I’ll make a quick presentation about the ordinance that you’re being asked to consider about the 505 Central project.

Action Item: 505 CENTRAL

Ordinance

An ordinance to approve a redevelopment project plan for the 505 Central TIF.

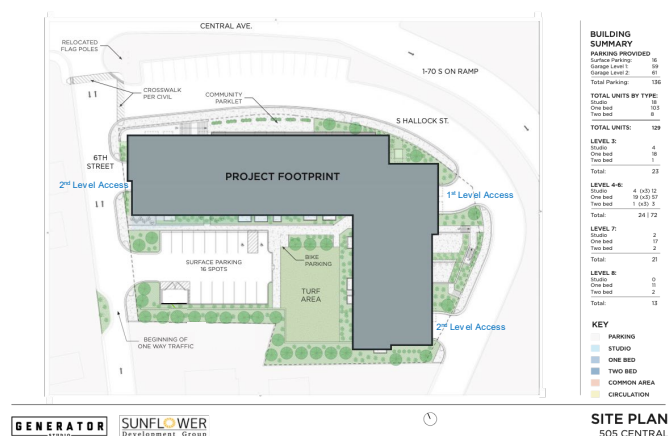
• Requires a 2/3rds majority to approve

It's simply an ordinance to approve the redevelopment project plan, the TIF plan for this project. It requires a two-thirds majority of the Council to be approved.

Commission Actions for 505 Central Project

Action Items	Dates	
Resolutions: Approve Development Agreement Set public hearing date establishing TIF District	ED&F – July 11 th Commission – July 14 th (setting public hearing) August 25 th (DA)	
Public Hearing & Ordinance: Approve formation of TIF District Resolution: Approve Development Agreement	Commission – August 25 th	
Resolution setting project plan public hearing date Resolution of Intent to Issue IRB Sales Tax Exemption on Construction Materials	ED&F – Sept 12 th (Commission – Sept 29 th)	
Public Hearing & Ordinance: Approve Project Plan	Commission – Oct 27 th	

We'll show you the procedural history. My presentation tonight will be very brief because you have seen this project a number of times, both at committee and your Commission. You have previously approved, of course, the planning item. Tonight is not about planning at all. It's entirely about the financing. You've approved the development agreement. You have previously established a TIF district. You have set this hearing tonight; previously approved IRB financing for the project. Tonight is really the final stage in that process; the approval of the TIF plan is the last step for the 505 Central financing.



This is an aerial that shows the footprint for the project as designed.

Project Numbers and Benefits

- \$39 million investment in urban core of Kansas City, Kansas
- 129 market-rate rental apartment units
 - Studio = 16 units
 - One-bedroom = 103 units
 - Two-bedroom = 8 units
- On-site parking
 - 120 parking garage spaces + 16 surface parking lot spaces = 136 total parking spaces
 - Parking spaces required by code = 133 parking spaces
 - No parking variance required
- No residents or businesses displaced
- Major investment in surrounding utilities, particularly aging sewer lines
- Improvements for pedestrian/vehicle access at intersection of 6th & Central
- Fills the market-rate multifamily housing gap that exists in the area today
- Increased number of residents drive increased economic activity to local businesses, especially the small businesses in the immediate area
 - Results in an increase to the sales tax base and attracts new businesses to the area

I think you're familiar with this. A few key numbers. It's a \$39M project as contemplated, 129 market-rate units, both garage parking and surface parking, 136 parking stalls total above the parking requirement. No variance is required. Importantly, the TIF plan always addresses relocation. Relocation is not an issue in this project.

Deal Points

Tax Increment Financing

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

IRB Sales Tax Exemption

- Limited time sales tax exemption on construction material during building of the apartment (approved at September 29, 2022 Commission meeting)

A few key deal points that are in your TIF project plan. This TIF is a 20-year pay-as-you-go only TIF. 90% of the available property tax increment would be pledged to pay redevelopment TIF

costs. The TIF revenue would be capped at \$6M for eligible TIF costs. Again, with a \$39M budget, that's roughly 15% of the project cost. We look at a public/private ratio. There are also IRB bonds for this purely for the purpose of construction materials and abating those; not for abating the property taxes.

Deal Points

Neighborhood Improvements Contribution (Community Benefit)

- On or before the commencement of construction of the Project, the Developer will pay the UG \$350,000 as a Neighborhood Improvement Contribution.
- The UG will use these funds to make improvements to the intersection of 6th & Central Avenue, including traffic calming improvements.
- Will benefit the residents, workers, and visitors to Central Avenue and Downtown KCK.

LBE/MBE/WBE

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

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

You'll also remember there were key deal points about a \$350K contribution that the developer has been willing to make. It's Sunflower Development for neighborhood improvements. Our LBE/MBE/WBE requirements here are consistent with what we typically do. They're shown on this slide. If the developer were to fail to meet those, in this case, it's a 20% reduction in the TIF cap.

Mr. Mayor, that's my presentation. I'd be happy to answer any questions before you go to public hearing.

Mayor Garner said we'll circle back. I'll now open the public hearing and ask the Clerk if any notification was received from the public who wish to express their comments in favor of this item.

Ms. Sparks said no comments were received.

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

Ms. Sparks said yes, Mayor. We have Greg Kindle with WYEDC.

Greg Kindle, Wyandotte Economic Development Council, said thank you for taking up the adoption of the 505 redevelopment district ordinance. We are supportive of the redevelopment TIF plan as proposed. WYEDC has gone on record a few times now and supported this proposed

multifamily development. It is appropriate and needed in this commercial corridor. It adds residential support for the existing businesses nearby, particularly in the evenings and weekends, and it brings investment to a part of the community that has been discussed as desired for a long time.

The proposed development provides quality housing and amenities that do not currently exist in this area. There is market demand. The project has adequate parking for the development. As Todd just noted, seeks to enhance the entrance to the community and we believe it contributes to the neighborhood. We believe this will contribute to enhancing the neighborhood and increasing interest to that part of the community.

This development contributes to our growth, adds additional housing for current residents to enjoy or bring new people into the community, and assist us in attracting additional development and tax dollars into the corridor in the community.

We ask you to approve the TIF district redevelopment project plan as proposed. Thank you for your time and consideration.

Matt Watkins, 4023 N. 111th St., said I come forward tonight in support of the applicant as a Wyandotte county business owner and a commercial real estate broker. My work has led me to represent property owners up and down Central Ave. as well as 6th St. for over 10 years. I can tell you that this project will have a transformational impact on this corner of our city. We need this type of housing in our community. Frankly, we need all types of housing in our community. I can speak from multiple levels of experience on that.

I believe this project will open the door for conversations about more affordable housing in our community, which we need to have. This project allows us to focus more accurately on the needs of our neighborhoods and our businesses that thrive from this type of investment.

Top tier and market rate projects should receive the same financial support in the urban core similar to what you've supported out west. The future tax benefits of this project is no different than what you see out west. In fact, I believe the ripple effect that we will receive, as a community on this investment in the urban core, will be more beneficial than an investment out west. So I urge you to please support this application. Thank you.

Ms. Sparks said there are no other hands raised.

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

Mayor Garner asked, anyone sign up tonight to speak? If you are present to speak in opposition, please come forward and state your name and address for the record. You'll be given up to five minutes.

Jerri Moulder Hessel, 31 S. Hallock St., said I stand here tonight to speak specifically to Exhibit D, the TIF revenue projection. I believe it's in your packet. I speak in opposition of this TIF. I kept looking at this projection and I kept thinking, okay, this is a \$39M project and it says here, the first year of their taxes will be \$65,796. That's how much they will pay the first year in taxes. Then there is an assumed inflation rate of 1.325 and at the end of 20 years, this development will have paid \$4,073,456. Right down here. It's a 20-year total to the UG in city and county taxes.

We have been discussing here tonight the lack of revenue that we have in this community. I kept looking at this number and I kept saying how does a \$39M project over 20 years only garnish this much in real estate tax revenue. So, I called the Wyandotte County Assessor's Office and I asked them to share with me what is the formula for calculating our taxes to pay for our city and county taxes, our state taxes for our schools, for our community colleges, and for our libraries. What do we, as the public and other business owners that have real estate that don't have a TIF package, what would we pay in a tax bill? They said yes, we have a formula for that and it's based on the mill levy. The formula is market value times 1.9267% equals your tax bill. You pay it. I pay it. I got this from the Wyandotte County Assessor's Office.

I thought okay. Let's apply this math to a \$39M development. I'd like to share with you what the first year of taxes would be if they paid a full tax on their real estate. The first year taxes would be \$751,413. This is what they're not going to pay Wyandotte County in taxes. This is what they're not going to pay in real estate taxes.

So then I thought okay, lets look at 20 years down the line. You know we get assessed every two years for the market value of our home and then they do the mill levy and that always goes up, but I thought you know what, just to keep it simple and just to make my point, let's just take this tax bill that they should pay their first year and multiple it times 20. This is what they're not going to pay in real estate taxes with this TIF program. (She held up a sign that read: \$15,028,260.) The Economic Development...**Ms. Sparks** said one minute remaining.

Ms. Moulder Hessel said the Economic Development Department gave the developer the TIF package. She did not negotiate between this figure and this figure. (She held up two signs. One read: \$15,028,260; the other one read: \$4,073,456.) There's a lot of dollars that aren't coming into the Wyandotte County coffer to run our city, to pay for decaying infrastructure.

Now you guys want us to believe that this and the developers want us to believe and the business owners want us to believe that this is going to be made up in sales tax. 129 people are going to spend enough money in Wyandotte County and Kansas City, KS, to make up this gap. **Ms. Sparks** said your time has expired.

Ms. Moulder Hessel said I'm going to ask for two more minutes, please, Mayor.

Action: **Commissioner Bynum made a motion for two more minutes.**

Mayor Garner said go ahead.

Ms. Moulder Hessel said and you also want us to believe that this gap in real estate taxes, if they were billed a full real estate taxes like the rest of us, it's going to be made up in their cars, personal property taxes. 129 people's car tax is going to make up this difference. That's not how that happens. It's impossible.

So I'm asking you, I'm imploring you to deny this TIF package, at least, at least. I'm not denying the project. You guys are on board for it. You want a win, but this is not a win for our community. This is a gap that we need to make up for. The way you do that is you charge real estate taxes.

You guys keep telling us well you know, Jeri, something is better than nothing. Well, I'm telling you right now, this is nothing. This is something. We need to go back. I need somebody to make a motion tonight to say you know what, this wasn't negotiated. We need to send this back to the Economic Development Department and negotiate. I'd take 50%.

This is an \$11M+ loss of revenue that you're just giving away. We can't afford to give away revenue. I wish one of you would make a motion to at least table this to renegotiate because they asked for this TIF package and they got it. It wasn't negotiated. The leadership of the Economic Development Department failed our city. Thank you.

Rose Eilts, 506 N. 4th St., said I don't have enough brain cells that are still awake so I'm going to read my comments. I am asking, as Jeri did, that one of you make a motion to set aside the incentive package or send it back to the Economic Development Department. I know we don't have a leader in the department right now. I'm not sure she did us any favors on the way out with this package. I think it should go back because I believe also that the UG is giving too much away.

I also, again, based on my shirt, I'm going to say that back in September, and my previous comments are me as a private citizen. Now I'm putting on my Strawberry Hill Neighborhood Association hat and speaking a little bit for Willie Flaherty.

Back in September, there was a meeting where the UG said they were going to put into place some kind of affordable housing program. Has that been followed up on? Does that resolution mean anything with Katherine Carttar gone? Was she the one who would have orchestrated that kind of fund? If she's not there to do it, who should we talk to?

One last point. It was very enlightening to listen to your conversation about the \$100M biosolids project. Who's going to pay for the million dollars that it's going to take to redo the intersection at 6th & Central, which is what we've been told it'll cost? The neighborhood benefit agreement that they have so graciously agreed to is for \$350K. That's not going to come close to dealing with that issue.

That's it. Thank you for your time. Please make a motion to send this back to the EcoDevo people.

Buck Hessel, 31 S. Hallock, said you guys seem to be a very responsible group of people. When you were talking about and got so inflamed about that biohazard or bio disposal and now we're giving away almost \$11M. Like my wife said, no one negotiated that. We gave it away. We're like the ugly girl at the prom, afraid no one's going to dance with us. Now, someone's going to dance with us and we're going to give it all away. I hope you don't give it all away. I hope you vote tonight to reconsider and think about this. The lady that negotiated this thing is no longer with us. I think you ought to—the project's going to go through. You already voted that. It's too big of project on too small of lot. You've already voted that in. Let's be fiscally responsible if we're going to do this. We don't have to give this away. Thank you.

Patrick Sierpoy (sp), 516 Northrup, said I also encourage you to press pause because we certainly cannot press rewind. There are a lot of reasons to press pause right now. We have an outgoing Economic Development Director. I wrote to her twice asking for what is our economic development strategy for downtown. Have we done an RFP for the UG's own lots? For example, Gateway. It's 3.6 acres, flat, Urban Renewal wasteland. Do an RFP. That's an awesome site. Somebody could come up with something smart. No we've not. Have we done an RFP for the UG's own lots where a lot of you are probably parked tonight, or us are parked tonight, at 6th & Barnett? Another Urban Renewal wasteland. We haven't made good on that.

Why would we target this intact area, which is not dilapidated, not vacant, not abandoned when we have all of these other huge areas, swabs of town that are abandoned, dilapidated, vacant before we've done an RFP on our own lots? I asked Greg Kindle and I don't think we've done one. I think it's very premature to not at least try that before we throw these incentives at this bad deal. I think we're so desperate for a win.

What is our economic development strategy for downtown? I haven't seen anything. It's just been, I think we're so desperate for a win that we call this the greater downtown and we sacrifice it to the first development that comes along. It is sacrificing Russian Hill. When you add 129 units crammed into one acre on a huge hill, in an 85 house neighborhood, the externalities are enormous in this deal. When economic development is done right, there's few externalities and there's huge multipliers. There's huge externalities here, like no multipliers.

These people are not going to spend money in Wyandotte County. They're going to hit that interstate and blast off to the Aldi to buy groceries in KCMO or go to Johnson County because the highway's right there. They will not make that difficult left turn to spend money in Wyandotte County except for what? We have these sales taxes dangled at us like the barbeque and the bar.

What about our economic development strategy for business retention and expansion? We have seen in the core, in the downtown, we've seen the loss of Family Dollar at 7th & Nebraska. Where was our economic development strategy there to keep that viable, to keep that business needed, retail for the community? Sales tax was lost.

What is the equity in this deal? We hear about equity scorecards only when there's a consultant hired to talk about it. The equity is bad on this deal. We own old houses in Russian Hill and Strawberry Hill. We go to fix something that's broken, we've got to pay a 10% sales tax

at the Lowe's out at 70th & State or wherever. Why is this developer given a 0% sales tax on the things he needs to buy to build his building? There's no equity there.

We are getting ready to embark on an equity analysis, on an economic development strategy with this FUSE fellow I read about. Why on earth—we need to press pause on this deal then let that FUSE fellow examine this deal. I think he would come to the conclusion that we're just reacting to a bad deal instead of targeting our blight tools where there is blight. The only way this is called blight is if you hate trees. I mean, there is so much blight and dilapidation. If this tower were built at the gateway site by the HUD tower, there would be nobody complaining about it. We'd been cheering at the groundbreaking. We wouldn't have to tear out one tree.

The reason why we're not being listened to, I think, is just because this body is so desperate for a win because the downtown has had so many challenges and nothing has happened, so we're going to call this a win. We should not do this. We should press pause; send it back to the Economic Development.

For one thing, our question—questions haven't been answered. Like for example, I wrote to Katherine twice and got no answers. I know others have asked detailed questions about the numbers and haven't gotten an answer yet. That's a good enough reason...**Ms. Sparks** said one minute remaining.

Mr. Sierpoy (sp) said ...to press pause. I'll leave you with this. I ride my bike around all the time. We have wonderful, smooth, wide roads in KCK. So thank you for that. It breaks my heart when I see the areas that had—where the loss has already taken place. We can't do anything about that. Brighton Hills, all of the dilapidation and emptiness, but this is an area that's intact and viable. I've seen watching it in my own time. It's crushing to me to see us sacrifice Russian Hill, a neat community of small humble homes that are 120 years old. You don't get that back.

If we can press pause on the Fairfax deal for 30 days, I mean, it's not really a neighborhood where people live in, we can certainly press pause on this which is affecting the neighborhood so significantly. Thank you so much for your time.

Mayor Garner asked, Clerk, is there anyone joining us virtually who would like to speak? **Ms. Sparks** said Anna Cole is online.

Anna Cole said I am going to reiterate what my other neighbors have said. It's 11:45 on a Thursday night. Everybody's tired. I think we can all agree that District 2 is a working-class neighborhood, so two or five minutes is not available at midnight on Thursday. It's a little difficult to get folks up with several kids that are getting up at 6 in the morning to have them come out.

As others have stated, the EDC had resigned, as well as Rob Robertson. I contacted both several times to no avail. I think there was a lot going on all at the same time. But really, our questions have gone unanswered. Both neighborhood associations Russian Hill, St. Margarets and Strawberry Hill oppose this in it's current form. Everyone knows something's going to get built and, you know, frankly, we want to see something built.

This developer bought this property, the land, the acre and the structure for \$250K total. I don't know what their finances are, but they probably spent another \$100K in lobbying and studies. They also now have an improved property because of zoning.

I feel the catalytic project that was in the master plan is located at 7th & Central. It's a flat open area that is now for sale for \$3.5M. Right? Why do we incentivize that instead? If this developer says oh, we just can't do it, but he can still sell his improved—I mean, he's going to get his money back and we can work with a developer that works with us.

Others mentioned much other things. After she resigned, after Katherine Carttar resigned—and I think we've known this for a long time, we kind of need a recall on our whole position. This FUSE fellow here—things may be very different in a month or two. I genuinely feel, and this is not hyper—this is, you know, we were not even responded to with basic questions about this TIF. I respectfully ask that you—or we don't need to say no. I doubt we'll get a no, but we're asking for a review and for our questions to be answered and for some reconsideration before we just jump right in, give away \$11M or whatever the figure may be, which that's huge, right, when we're talking about all this infrastructure that we need. Central Ave. Bridge is closed; all this stuff, right?

I'm not against the incentives. I'm for incentives that makes sense like 7th & Central. If you're going to charge \$3.5M for unimproved land, you might attract a quality person with incentivizing the original catalyzing project in the Central Area Master Plan.

So, I thank you all for staying up late and listening to us. I do genuinely hope that you give us the opportunity and yourselves the opportunity to revisit this. At least, if not sent back, give us

a hold of 60 days so we can get our questions answered a little better; become a little more educated. Perhaps this isn't the best route. Thank you very much.

Karrin Huhmann said I'm just going to say ditto to everything that my neighbors have said. They've expressed all the concerns I was planning on expressing particularly the shocking information about predictions of us being bankrupted by 2027. There's no way that a 20 year TIF is going to save us by then. In fact, we'll just be giving away money until that point when we need everything we can get so that we can comply with EPA's consent decree and do the right thing; infrastructure for all of us in eastern Wyandotte County who haven't seen any of the benefits to all the western development.

In fact, where has all the economic development that's happened in the western part of the county showed up in our revenue? What can we point to? How has it improved our finances? Is this working? It sounds to me like we do need to come up with a better strategic plan. We have a limited amount of money that we can afford to forego every year, so maybe we should be more strategic about where we choose to incentivize.

This is a desirable property. Someone is going to want to build on it. It doesn't need to be incentivized. It's cheek by gel right next door to an absolutely crumbling infrastructure down the block.

There's no money to fix the intersection, which is just a deadly accident waiting to happen. And yet another lawsuit for the UG because we know that it wasn't built to specs for sight lines. So, there's a lot that needs to be considered. A pause does need to be pressed. I feel like this project has been a cannonball rolling down a hill and really no one was going to listen to us. So this is our last ditch effort. Ask our elected representatives to listen to us.

The developer wants to complain about how long it's taking to get this done. Well, that's their job. It's a big \$39M project. It should take a long time. It will permanently transform the fabric of our community. We do need to be thoughtful about it. We do need to be careful. We do need to be really sure about how we want to spend our funds because look at how the management of Wyandotte County has gotten us to this point. This rubber stamping kind of unanimous voting I don't think we should be proud of.

So please, press pause. Listen to your citizens. There's a better deal out there that I think everybody can come together and agree on that's more responsible for our county. Thank you.

Mayor Garner said we're going to pause you just for a second. We're coming upon that midnight hour and I'm going to need to entertain a motion from the commissioners to suspend the midnight rule so we can continue on.

Action: Commissioner Burroughs made a motion, seconded by Mayor Stites, to suspend the midnight rule.

Mayor Garner said there's a motion and a second. Clerk, roll call, please.

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

Mayor Garner said we will resume. Clerk, you can go back to the virtual callers. **Ms. Sparks** said our next speaker is Leo Elites.

Leo Eilts, 506 N. 4th St., said I have a spectacular view across the Kansas River towards downtown Kansas City, which is extremely similar to the view that's going to be available to future residents of the property we're discussing this evening.

All I'm asking is that the people who spoke before me have made a good point that why are we in such a hurry here? We've already—the decision to let that property be developed has already been made now. Are we putting up a big for sale sign on Wyandotte County that says, our master plan is for sale to the highest bidder?

I think the residents of this community have already made their preferences very, very clear on this. I won't reiterate everything that everybody has already said except to say, why don't we take a little bit more time now? Let's take another look at this thing. We are giving away a choice piece of property for pennies on the dollar. The development that's proposed up there is not appropriate to the space. It just does not. Anybody who has taken the time to really drive up there and look at what we're talking about will tell you that property is not appropriate to the development that's being proposed.

So, given the lateness of the hour, I'll abbreviate my comments, but that's what I have to say about it. I just implore people that make these kinds of decisions, pump the brakes just a minute. Take a little bit more time. Let's take another look at this thing. Thank you.

Willie Apala Flaherty, 276 N. 6th St., said I live just up the street from the development. I'm also the President of the Strawberry Hill Neighborhood Association. It's just so frustrating. First I just want to—I don't know, just formally complain that it's midnight and it's insane. This is like the most inaccessible meeting of all time. It's midnight on a Thursday. I don't know if you guys need to shorten the agenda or have more meetings or how this would change, but you have to do something because most of our neighbors are not going to attend a meeting virtual or otherwise to voice themselves, to speak their voice at midnight on a Thursday.

Beyond that, the neighborhood association has had discussions with several of the commissioners about Rose already mentioned that we would look into doing some sort of affordable housing fund. There was even a resolution to discuss it further at one of the prior meetings. We haven't seen anything come of that. We're about to approve this financing package and meanwhile, the things the neighborhood wants to see accomplished are languishing as far as we can tell.

When we initially wrote a contingent letter of support, the things we wanted to address was that affordability piece, the traffic piece, which we've heard multiple times that to fix the intersection could easily be upwards of a million dollars. We have not seen like a plan for that to be fixed. I've heard from planners that it should really happen either before or in conjunction with the building, and we haven't had any guarantees that's going to happen.

It's just, again, to reiterate what everyone has said, it really seems like we're giving it all away here. It seems like the fact that for the past month or two, people have sent emails to the Economic Development Department and been told that they're capable of answering basic questions, but couldn't go into detail about the TIF package, so we can't even get full information about the deal.

While this is happening, this conversation is happening, there's been two major developments in KCMO that have moved forward without any financing whatsoever. Those are developers who pulled out and said we're not building. Sorry, I'm out of time. Two major projects on the KCMO side that have come back after being told that they're not getting financing or

abandoning financing because they didn't like the terms and are building at market rate. I don't understand why that couldn't even be the case here.

There's still more work to be done. Please just give us more time to work on this project and to better understand and negotiate the details. That's it. Thank you.

Pat Lawson, representing the St. Joseph Neighborhood Watchdogs, said I am exhausted too. I was going to—I could repeat all the arguments that our neighborhood group has stated. Building the project will be in that neighborhood although it does join Strawberry Hill, so we work together. Let me just say, the points that have been made have been made so articulately. I can't improve upon them but just do please listen.

I would also like to point out that at least in the Rosedale apartment discussion, the fact that the developers, in spite of the problems, that at least they compromised. I heard they sliced off a floor. It would have been nice if that could have happened. We had no major compromise so we all feel sort of swindled by this.

Anyway, we're sort of worn out. I'm tired. A lot of people have just given up. They say it doesn't do any good, so they're not showing up for meetings. I hope you will listen. Thank you.

Ms. Sparks said there are no other hands raised.

Mayor Garner said thank you. I will now close the public hearing. Any staff members have any closing comments?

Mr. LaSala said I would only say a couple of words about the chart and the numbers that you were presented on the cards. I just want to make sure that everybody's clear. We're not talking about tax abatement here. We're talking about a TIF, tax increment financing. So, the developer will pay every dollar of taxes that are assessed. It's a question of how much of that is captured above the base year taxes, which the UG always keeps, and how much of that incremental revenue that the developer pays do we capture in the TIF and allow them to use to reimburse eligible costs. The negotiation here landed at 90% of that increment, so in addition to the base year tax, the UG also keeps the 10%, which was part of Ms. Carttar's negotiation with the developer.

These assessed values, these numbers didn't come from me. They're from our consultant at Municipal Consulting, who also does the cost benefit analysis work for the UG. So, I can't vouch for those numbers. I will say this. The card started with \$65K in the first year, which is true and it is what's in your packet; however, I would tell you that that's a partially assessed year while the project is under construction. So, ultimately when you get to the year after that, I believe it's 128, it scales upward to 240 a year.

But even if you don't believe these numbers, the feasibility study in your TIF project plan finds this project eligible. This chart is about making sure the project is feasible. If the developer gets—the \$4M number that you were shown is the amount that was projected by this consultant, an increment that would be available to the developer. Remember, they're capped at \$6M. It's about 15% of the overall project costs. However, that \$15M number that you saw based on the citizens' math, if that were correct, and I don't know whether it is. I can't argue with that number, but what I would tell you is that if that were correct, this TIF would pay off in eight years. So, what would happen is in addition to the base year taxes and the 10%, when you got to the end of eight years, all of that revenue would be available to the UG on an annual basis after that.

So, those are just a couple of things I wanted to say in terms of clarification about the numbers. Mr. Mayor, I'll leave it there.

Mayor Garner said thank you. We're going to open up questions for our commissioners' comments and questions.

Commissioner Stites asked, Todd, is the property currently paying taxes, or what did they pay last year, I guess, I would ask? **Mr. LaSala** said it's \$4,107. **Commissioner Stites** said I'm getting my calculator, \$4,107. **Mr. LaSala** said that's what it says. That's the base year of real estate tax. The city's portion is 943 and I think the county is 964. So, over a period, I know there's going to be—it's going to increase, but over a 20-year period, the taxes that we would gather off that property sitting vacant would be \$82K. Is that roughly correct? **Mr. LaSala** said that's right. **Commissioner Stites** said so in the first year, at \$128K, we're \$40K roughly over what they'd be paying over the course of 20 years as it sits vacant. Correct? **Mr. LaSala** said that's correct. **Commissioner Stites** said okay.

Commissioner Stites asked, and if the math was right, like you suggested earlier, then it could be and it may not be, that would pay off in eight years. **Mr. LaSala** said if it was that \$751K number annually, that's how fast you'd pay off the TIF. **Commissioner Stites** said so it would be to the benefit of the developer on the adoption of a TIF plan, the 20-year clock starts after the adoption of a plan. **Mr. LaSala** said that's right. **Commissioner Stites** said the clock would start tonight assuming that it would be approved. So the quicker that we get them rolling and get towards that eight-year payoff, if the math was correct that was presented, the better off we are because they aren't capped out at \$6M. **Mr. LaSala** said \$6M, that's correct.

Commissioner Stites said okay. I know that there were some information provided about the intersection. If I remember right, I don't know the exact numbers, but it was minimal impact to the intersection of 6th & Central. Minimal impact. They're going to offer \$350K for minimal impact to an intersection that needed repaired before they ever got there. **Mr. LaSala** said that's correct. **Commissioner Stites** said thank you, guys, for that.

Commissioner Stites said maybe if we had these additional rooftops in the last several years, we might not have lost the Dollar General at 7th & Nebraska, or wherever it was at, because we need rooftops to support our businesses.

Commissioner Stites said I think that's all I have to say. I guess the last question, I got a note here that says, what's the hurry here? How long does this project—how long has this been going on? I know it's prior to me getting here. Is it a year? **Mr. LaSala** said it's well over a year. **Commissioner Stites** asked, two years? **Mr. LaSala** said that's right. **Commissioner Stites** said two years. I don't think that there has been any big hurry on this at all. I make a motion to approve as submitted.

Action: **ORDINANCE NO. O-153-22**, “An ordinance of the Unified Government of Wyandotte County/Kansas City, Kansas adopting a redevelopment project plan pursuant to K.S.A. 12-1770 et seq., and amendments thereto (505 Central).”
Commissioner Stites made a motion, seconded by Commissioner Kane, to approve the ordinance as submitted.

Commissioner Ramirez said sorry, colleagues, I'll wrap up or try to. Maybe because of late in hour, the math is not matching and that concerns me because I teach math for every day. So, that's where we're at. So, going back to what you said, Todd, the UG will keep the base and the TIF? **Mr. LaSala** said the 10%. **Commissioner Ramirez** asked, from the TIF? **Mr. LaSala** said that's right. We keep the base year plus 10% of the increment. **Commissioner Ramirez** said okay and then the rest goes to the developer for the eligible costs. **Mr. LaSala** said correct. **Commissioner Ramirez** said okay. Thank you. That's where the math was not matching. Thank you.

Commissioner McKiernan said I do understand the frustration even though it would appear to you that I don't. I think I speak for all my fellow commissioners when I say that although you may not always think we're very good at it, we always strive to make what we believe are the best decisions that are in the best interests of the most number of people. Now, unfortunately, no matter what decision we make, someone will undoubtedly disagree, which is their right. I'm not saying I'm correct beyond reproach, but speaking only for myself, I do believe that on the whole, this project will have direct and indirect benefits not only for the eastern end of Central Ave., but also for the entire eastern part of Wyandotte County.

Now Ms. Moulder Hessel correctly points out that we will not collect all of the taxes that would be paid if this project goes forward. We would not collect any additional taxes if it remains a vacant lot. So, although we get a fractional percentage under the TIF plan, that is greater than the current day tax payment that we get. So, those tax payments are above and beyond then any economic activity that will potentially be generated by the residents of this development.

Now the gap between what they pay and what we collect is present on any economic development deal that has incentives tied to it. For example, we gave a 100% property tax TIF to the Yards II Apartments in the river bottom. That is a larger percentage of abatement on a larger construction value. Although our Director of Economic Development may have come up with that proposal, it was us who voted on it. So, we are the ones who ultimately decided that there was benefit to the community in approving that economic incentive package. We are the ones who voted for it. We are the ones who are responsible for it.

It was mentioned a moment ago that there was a project recently that didn't get incentives in Kansas City, MO, for a multifamily development. If I'm not mistaken, that was in the Berkley Riverfront Park area. If it's the one I'm thinking about, I would wager that they didn't get

incentives because Barkay and two other apartment complexes were already there and they did get incentives. So, I would wager if that project that got denied was first in, it would have gotten incentives because I wager that the elected body in Kansas City, MO, would have said there is a greater community benefit to having it there than not having it there, so we choose to invest in that project.

Instead of developing at 7th & Central, why don't we add 7th & Central and do it next? Anyway, I'll go back to where I started. I do believe that there is a direct and an indirect economic benefit that will be realized from this development, not only the eastern end of Central Ave., but the entire eastern part of Wyandotte County. So, I will support it moving forward.

Commissioner Davis said I image you all could be doing a lot of other things besides sitting here at 12:25 A.M. Is that correct? There's a lot of things that you could be doing. I want to speak to the comment that was made about our meetings being inaccessible because, quite frankly, they are. We look in this room. There's not a lot of people here that I'm sure if we had spoken about this earlier, more neighbors and more folks in the community would have been able to show up whether they're for or against, but at the very least, make their voice be heard.

Mayor and Administrator, I am asking, I am pleading with you all that for Planning and Zoning meetings, you all work together to give us a lighter agenda so that we're not doing this to these poor folks, particularly the items that we are not voting on. I think there are items that we are getting that, quite frankly, could be just a simple statement to the public. It can be a simple email. It can be on 3s. And, yes, it can go to standing committee because our standing committees have actually had lighter agendas. So, at the very least for the items that are not pertinent, if there can be some directive to staff to say listen, it's Planning and Zoning, that's where the bulk of the intention is going to be. If it's for information only, let's see if we can turn that into a statement or an on 3 or send it to a standing committee instead of making these folks wait. That is literally all I had to say. Thank you.

Commissioner Bynum said, Mr. LaSala, I've got to ask you to please explain for me, and anyone watching this now or later, what does cap at \$6M mean in the scheme of the lifetime of the TIF? What does cap at \$6M mean? **Mr. LaSala** said \$6M, we're going to collect tax increment financing revenue, right? We've been talking about what that revenue looks like. It's 90% of the

increased property taxes above your base year. \$6M is a hard cap, so if the project performed and the assessed value was higher than expected, you'll get to that cap faster. So, the TIF is designed to last for up to 20 years. It will expire at the end of 20 years, but if you get to \$6M of revenue collected by them before that, the TIF shuts down. You keep all the revenue after \$6M. So, that could happen in year '19, it could happen in year '14, depending on the assessed value.

If the project is assessed lower and you get to the end of 20 years and they don't hit \$6M, the TIF shuts down. So, the cap is really a way of our negotiation saying you don't get all of the increment that's generated for 20 years necessarily. We've decided that 15% of the project, \$6M, that's all we're going to put in. If you get there before 20 years, great. At that point, the UG has invested all it's going to invest in this project, and all the increment available to you goes back to the General Fund after that.

Commissioner Bynum said okay. That's really helpful. So based on the chart, if the values are substantially higher than what was estimated here, then because the chart is showing us that over the life of the 20, we're going to get to \$4M. **Mr. LaSala** said that's right. If that's true, it shuts down in 20 years.

Commissioner Bynum said okay, but you are suggesting that it's possible based on valuations that actually we could get to \$6M in sooner than 20 years. **Mr. LaSala** said yes. It's possible. **Commissioner Bynum** said okay. I just wanted to make sure that was clear. **Mr. LaSala** said right. The UG does not have it's hand on really what the assessed value is. I mean, the speaker earlier talked about this. We're not hardwiring the assessed value. It is what it is. **Commissioner Bynum** said sure, right, right. **Mr. LaSala** said and if it's higher, you get there faster and you may hit this cap and shut the TIF down before 20 years. **Commissioner Bynum** said okay because we've talked in the past at various levels on other projects about TIFs that are paying and TIFs that are not performing well. **Mr. LaSala** said that's right.

Commissioner Bynum said the number of units is like a hundred...**Mr. LaSala** said 129. **Commissioner Bynum** said 129 units. Do you know, will each unit have it's own BPU bill? **Mr. LaSala** said I believe the answer is yes. **Commissioner Bynum** said utilities? **Mr. LaSala** said they will not be separate. You'll aggregate them? **Commissioner Bynum** said so you're going to pay the utility bill from the rents that are collected. The only reason I'm asking is because my

daughter is living in Village West and she has her own...**Mr. LaSala** said utility bill..**Commissioner Bynum** said she has a little one-bedroom apartment and she has her own utility account. So, in this case, that is not what you plan to do.

Tom Krause said I'm part of the development team and the architect on the project. I'm not an expert in that, but generally how it is handled is there's two ways to do it. It can be individually metered, like you said. It can also be aggregated and then basically a bill is sent out to that renter for the amount. Because there are different size apartments, it would be based on square footage at that point. So, your amount for your utility would be based on the square footage that you rent.

Commissioner Bynum said so you're—I don't want to belabor it, you're saying that you're going to calculate based on usage, what you believe the square footage of that apartment has used and then bill that dweller separate from their rent? **Mr. Krause** said yes, separate from the rent. **Commissioner Bynum** said okay. Just curious about that. Okay. That's interesting. Thanks.

Commissioner Bynum said you know I think that's my only question for you. It's late and I don't mean to sound snarky and so I'm afraid that I will and I'm going to apologize because I don't mean that. I'm hearing the neighbors say that they would like to pause and I think negotiate more. I'm truly trying to understand which parts of the project are you hoping to negotiate and then what way are you hoping to engage in that process? More meetings? I mean, we don't normally bring the neighborhood leaders to the negotiating table. We talk to you as much as we can before we get there so, I'm just not sure—I mean, I'm just sincerely not sure what that looks like and I don't know if that's what you're asking for. I don't know if maybe Rose, since you're the Vice-Chair of the neighborhood, I mean, I don't—if you wanted to just maybe speak to it briefly.

Rose said our position isn't so much that we want to be involved in negotiations. We just feel like this is not a good deal for the UG and ultimately as taxpayers. We feel like this is a market-rate project. They should do it without any incentives. They're going to be charging high rates for luxury apartments and then utilities on top of that.

So, with the departure of the Economic Development Director, we're a little concerned because we have had a hard time trying to get anybody to answer any of our questions. When Jeri was putting her numbers together, the only person she could get to talk to her was the Assessor.

Commissioner Bynum said I don't mean to interrupt, but when you referenced finding someone to answer your questions, you mean questions like those because I was also kind of like what questions do you still have. **Rose** said I'm not an economic development person. I don't understand how the incentives all work. That \$6M cap, does that...**Commissioner Bynum** said that's why I asked that we talk about that again because it's really important that we do understand it. So, I'm sorry.

Rose said that's fine, but, I mean, considering how much taxes I pay either through my annual bill or and plus the PILOT, I feel like they shouldn't be getting anything from the UG. Commissioner McKiernan, I know you said you related to the Berkley Riverfront, the Barkay and first one got the incentives. This just, you know, the location, the height, everything makes this the wrong project for us to support.

I know you told me not to say this, but I'm going to say it anyway, if this project was adhering to the master plan, which we all worked really hard on and this project was being built somewhere as the indications in the master plan like 7th & Central. We all know that guy wants a gazillion dollars for that lot, but there's plenty of other locations. I know they don't own those. They kind of got lucky and bought that spot, but they're going to tear down all those trees. What's that going to do to our involvement in this climate action plan for the city? I mean there's just so much. Then to be giving them, okay, maybe it is only a \$6M handout. I know nobody likes that, but why?

Commissioner Bynum said and I appreciate it. I mean, thanks for coming back. It is difficult. It's difficult for you. It's difficult for us to number one, make sure we understand all the project details.

I would point out to the gentleman's answer about whether each unit has it's own utility account or not, I guess at the end of the day if it's 129 units consuming electric and water, whatever that total bill is, the PILOT is 11 point whatever the current PILOT rate is. So whether you divide that up 129 ways or one big lump sum, the PILOT is still collected. So that is a benefit, fortunately, at that point with the PILOT for us.

Commissioner Bynum said I guess I'm kind of back to where I was with the earlier project. If there are ways for us to strengthen the processes by which we engage the community so that when projects like this come, and we believe that they're beneficial and helpful, that there's a way for

us to reach that conclusion together. It's not a good feeling for me to feel in conflict with a neighborhood. That's not a fun place to be. So, Commissioner McKiernan's right. I agree with him at the end of the day you're looking at, as a commissioner I should say, what you think is doing the greatest good for the greatest number of people. Like I said, it hurts to be in conflict with the neighborhood when you're ultimately landing in a place like that.

I appreciate you coming forward and at least trying to talk to me more about what might be sought on the part of the neighborhood group. If it's not this, then next or any other, how can we strengthen the way that we communicate together about the projects and what they mean and, specifically, the details. Thank you.

Commissioner Kane said, Mayor, call for the question. Commissioner Stites said second.

Mayor Garner asked, any further discussion? I have a motion and a second to approve. No further discussion, Clerk, roll call, please.

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

STANDING COMMITTEES' AGENDA

Item No. 1 – 212030...GRANT: ACCEPTANCE OF NATIONAL ASSOCIATION FOR CITY AND COUNTY HEALTH OFFICIALS (NACCHO) GRANT

Synopsis: The Health Department has been awarded a \$300,000 grant from the National Association for City and County Health Officials (NACCHO) for Implementing Overdose Prevention Strategies at the Local Level (IOPSL), submitted by Juliann VanLiew, Director of the Health Department. There is no match required for the grant. We are one of 12 municipalities being awarded this grant nationally. A brief overview of the grant and its purpose can be found here. This item was scheduled to appear before the Administration and Human Services Standing Committee, chaired by Commissioner Markley, on October 24, 2022. It was requested, and approved by the Mayor, to fast-track this item to the October 27, 2022, full commission meeting.

Mayor Garner said I'll ask Commissioner Markley to make some remarks.

Commissioner Markley said, Mayor, the only reason this isn't on the Consent Agenda is because it was fast-tracked for timing issues. So, I would move to approve.

Action: **RESOLUTION NO. R-69-22**, "A resolution whereby the Unified Government Board of Commissioners hereby approves the acceptance of the Implementing Overdose Prevention Strategies at the Local Level grant from NACCHO totaling \$300,000.00." **Commissioner Markley made a motion, seconded by Commissioner Davis, to adopt the resolution.**

Mayor Garner said there's been a motion and a second. Do any commissioner have any comments or questions? Hearing none, Clerk, roll call.

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

ADMINISTRATOR'S AGENDA

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

Synopsis: Update on the status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Mayor Garner said this was for information only. The Administrator will send each of the commissioners a packet of information and will entertain any questions in that regard.

Action: **For information only.**

Item No. 2 – 212063...ORDINANCE: NP TURNER INDUSTRIAL 3 LLC - BUILDING 4 PROJECT INDUSTRIAL REVENUE BONDS

Synopsis: An ordinance authorizing the issuance of Taxable Industrial Revenue Bonds not to exceed \$21,386,844 for the NP Turner Industrial 3, LLC- Building 4 Project, submitted by Patrick Waters, Deputy Chief Counsel.

The documents can be found at this link:

<https://xfer.wycokck.org/public/folder/1CRKZPIF4UKToe5lCkfeXQ/North%20Point%20Turner%20Building%204>

Mayor Garner said I'll ask Patrick Waters, Deputy Chief Counsel, or in his replacement, to make some comments.

Kevin Wempe, Gilmore & Bell, 2405 Grand Blvd., KCMO, UG's Bond Counsel, said as you mentioned, pitch-hitting for Patrick Waters this evening on these items. I'll just give a brief history of this project. These are noted in your packet, Buildings 4 and 5. If you'll recall, this is for the NorthPoint Turner Logistics Center project. Buildings 1 – 3 have been bonded in the past. Buildings 4 and 5 are coming online, thus they're coming before you tonight for your final formal action. The development agreement was entered into in 2019 setting forth the business terms of the deal and providing for infrastructure and other items related to the development.

So, again, Buildings 4 and 5 are coming online and issuance of IRBs are the last formal action to trigger tax abatement for the two buildings beginning in the 2023 tax year. So, tonight, your two action items are to consider ordinances authorizing the issuance of bonds. Should you choose to proceed here, we'll proceed to closing in the next several weeks. I should also mention that the developer's representative is on hand tonight in case you have any questions about the project. Otherwise, I'd stand for any questions you might have about the process.

Mayor Garner said I'll open it up for Commission questions.

Commissioner Burroughs said I want to make sure I heard you correctly. Did you say tax abatement for 20 years? **Mr. Wempe** said, Commissioner, yes. These IRBs are being issued for tax abatement similar to Buildings 1 – 3 and as set forth in the development agreement. Kansas tax abatement is limited to 10 years, so it's a 10-year term.

Commissioner Burroughs asked, the other buildings are already full, correct? **Mr. Wempe** said I couldn't—I believe they are fully leased out, correct. I don't know the status of Buildings 4 and 5 as far as leases go, but I know they're substantially completed at this point as far as construction goes. **Commissioner Burroughs** said so I would say the project has been pretty successful. It

sounds to me the Turner Diagonal created a number of warehouses that are fully occupied but yet they're still requesting 100% tax abatement.

Mr. Wempe said, Commissioner, it's not 100% tax abatement. When the development agreement was entered three or four years ago, I believe it was 2019, at that point, the UG agreed to a PILOT schedule so there's a fixed payment from 2019 that we're still abiding by. That PILOT schedule increases as the years go on. So, to your point about quick development, it was incentivizing them to proceed quickly because it was more advantageous from a taxing point.

Commissioner Burroughs said thank you for that clarification because that's what I was getting to was the PILOT. I think that PILOT can be very confusing to the community when they listen because they think you may be talking about the BPU issue on the PILOT, but it is actually something else that's structured as an incentive to these projects.

I would hope that, again, colleagues, I hope that we would come up with a different name than calling it the PILOT because it does cause us, as an elected body, a lot of consternation and a lot of explanation. But thank you. I'm glad you brought it up because I think it was important that the community hear that not only are we looking out for the tax issue aspect of it and the IRB, but get that word PILOT back out there again. So, thank you. Good distinction. Thank you.

Commissioner Bynum said that's all I wanted was to clarify. Thank you for that because the PILOT on these buildings is actually substantial. I was actually trying to pull up the PILOT schedule because the PILOT on these buildings is high. So, anyway, that's all I wanted. Thanks.

Mayor Garner asked, are there anymore comments or questions from our Commission?

Action: **ORDINANCE NO. O-154-22**, "An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue taxable industrial revenue bonds (NP Turner Industrial 3, LLC – Building 4 Project), Series 2022, in a principal amount not to exceed \$21,386,844, for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing and equipping an industrial facility, including land, buildings, structures, improvements, fixtures, machinery and equipment; authorizing the issuer to enter into certain documents

and actions in connection with the issuance of said bonds.” **Commissioner Bynum made a motion, seconded by Commissioner Davis, to approve the ordinance.**

Mayor Garner said I have a motion and a second for the adoption of the ordinance authorizing the issuance of industrial revenue bonds. Is there any further discussion? Seeing none, Clerk, roll call.

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

Item No. 3 – 212066...ORDINANCE: NP TURNER INDUSTRIAL 3, LLC - BUILDING 5 PROJECT INDUSTRIAL REVENUE BONDS

Synopsis: An ordinance authorizing the issuance of Taxable Industrial Revenue Bonds not to exceed \$21,386,844 for the NP Turner Industrial 5, LLC- Building 4 Project, submitted by Patrick Waters, Deputy Chief Counsel.

The documents can be found at this link:

<https://xfer.wycokck.org/public/folder/EG-PdnNAJkmziNFCJykFKg/North%20Point%20Tuner%20Building%205>

Action: **ORDINANCE NO. O-155-22**, “An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue taxable industrial revenue bonds (NP Turner Industrial 3, LLC – Building 5 Project), Series 2022, in a principal amount not to exceed \$23,616,507, for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing and equipping an industrial facility, including land, buildings, structures, improvements, fixtures, machinery and equipment; authorizing the issuer to enter into certain documents and actions in connection with the issuance of said bonds.” **Commissioner Bynum made a motion, seconded by Commissioner Davis, to approve the ordinance.**

Mayor Garner asked, 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, Kane.

Item No. 4 – 212089...RESOLUTIONS/ORDINANCE: SHERIFF’S DEPARTMENT STAFF FUNDING

Synopsis: Approval of resolutions and ordinance increasing Sheriff’s Department salaries, submitted by Misty Brown, Chief Legal Counsel.

- Resolution of support for increasing the base salary of the sworn Sheriff’s Office employees.
- Ordinance/Resolution providing for the salaries of the Sheriff’s Department, Register of Deeds, Election Commissioner, and their appointed deputy officials.

Mayor Garner said I’ll ask our Chief Counsel Misty Brown to make some comments.

Misty Brown, Chief Counsel, said, Commissioners, per the special session we had today, the items were pink sheeted onto the agenda. The first item that you have is a resolution of support for increasing the base salary of the sworn Sheriff’s Office employees to 100% parity with the Police Department’s salary. We took this moment to restate a bit of the legislative history of the uniqueness of the Unified Government and how it interacts with the Sheriff’s Office. But the actual resolution that you’ll be voting on was noting and agreeing that the Sheriff has certain statutory duties that are required to be undertaken by sworn law enforcement officers, and then an agreement in support by the Commission to achieve this pay parity.

Finally, the other part of the resolution directs the Mayor, County Administrator, and other staff to undertake research analysis and any further action that may be necessary to carry out the intent of this resolution.

Action: **RESOLUTION NO. R-67-22,** “A resolution of support for increasing the base salary of sworn Sheriff’s Office employees.” **Commissioner Stites made a motion, seconded by Commissioner Markley, to adopt the resolution.**

Mayor Garner said, Counsel, I believe the other part of this from the standing committee, or the special meeting, was that we were going to send this to standing committee to work out those items, correct? **Ms. Brown** said, Mayor, correct. So the resolution will be this resolution of

support. Then, as the Mayor and the County Administrator and staff is be directed to bring the details of how we go about doing this to a standing committee at a future date. **Mayor Garner** said thank you.

Commissioner Townsend said well, this is the appropriate time. I believe a vote will soon be taken, so I just want to go on the record that I believe that the Sheriff and the good work and hard work that they do are worthy of adequate compensation.

Earlier today at a special session, I expressed, though, my hesitancy to vote in the affirmative tonight because this was presented at the 5:00 meeting. I'm concerned it was not clear to me where the payments would come from. Even though we are officially not in a budget cycle, this is a budget issue and I cannot, in good conscious, vote tonight in the affirmative without being clear in my mind where the actual money is coming from.

But it is certainly—the Sheriff and his department are certainly worthy of adequate compensation, but I'd like to have an idea of where it's coming from. So, for a fuller explanation, if constituents want to know, I refer them to the comments I made earlier tonight and won't prolong it now. Thank you, Sheriff and the department, for what you do.

Mayor Garner said I'd just like the public to know, just me coming from law enforcement, just one thing to be reminded. The Sheriff is the top law enforcement official. He is authorized by state statute unlike any other law enforcement official in the state. He does have jurisdiction over the entire county, including the non-incorporated areas of the county as well. He performs several functions including the jail, the juvenile detention center, as well as other juvenile operations, civil service, traffic, law enforcement, and he also aids and assists the police jurisdictions, Bonner Springs, Edwardsville, and Lake Quivira, as well as the unincorporated areas.

He also has patrol functions for all the parks; any crimes that may occur, including homicides. If that unfortunate act happens, the Sheriff's Department has to investigate and send those findings to the District Attorney's Office, just like one of our local police department's would in Wyandotte County as well.

So, the Sheriff's Department really carries a lot of weight and does a lot of good things that a local law enforcement comparison only does with the Kansas City, KS Police Department, Bonner Springs Police Department, and the Edwardsville Police Department.

So, this matter has been brought forward to our Commission. It's going to go to standing committee and those details will be worked out to bring our Sheriff in 100% parity as far as salary and paid benefits with the Kansas City, KS Police Department. Is that correct, Counsel? **Ms. Brown** said that's correct, Mayor.

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

Roll call was taken and there were eight "Ayes," Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Kane; and one "No," Townsend.

Mayor Garner said we have one more part to that. I will also entertain a resolution for the second half of this item.

Action: **ORDINANCE NO. O-156-22/RESOLUTION NO. R-68-22**, "An ordinance and resolution providing for the salaries of the Sheriff, the Register of Deeds, the Election Commissioner, and their appointed deputy officials by repealing and replacing Resolution Nos. R-83-00 and R-115-02, adopted by the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, on August 3, 2000 and December 19, 2002, by revising and restating all the sections contained therein and by amending Section 2-142 of the Unified Government Code of Ordinances." **Commissioner Markley made a motion, seconded by Commissioner Davis, to approve the ordinance/adopt the resolution.**

Mayor Garner said we have a motion and a second. Some discussion, Chief Counsel, for some clarity. The Register of Deeds and the Election Commissioner and their appointed deputies. Can you bring some clarity to that as well?

Ms. Brown said yes, Mayor. So what you have before you is a bit different that we don't see it often. It's a resolution and an ordinance because this is a county-wide concern, but also the salaries of all of these elected officials: the Sheriff, his deputies; the Election Commissioner, their

deputy; the Register of Deeds, and their deputy. We're codifying the ordinance. This was last done in 2000 and then amended a little bit in 2002. In order to change the salary of the Sheriff and his deputies, it requires an ordinance revision that would set it out. The rules on how you do an ordinance, I can't just put part of it in here. By law, I need to have the entire section of the ordinance that we are revising in here, so the salaries of the Election Commissioner, the deputy, the Register of Deeds, and deputy remain at its current rate.

I just took this as an opportunity not to write the amount in the different increments. I left the automatic pay increase the same. How it's structured, they get an increase based on CPI each year and also an average of the collective bargaining unit contract for each year, so it's a bit of a formula. They have an elected officials grid where the pay is. So, I've updated it back into year 2022 so all the amounts are correct, but the salaries that are actually changing to be in that 100% pay parity is for the Undersheriff and the Sheriff.

Mayor Garner said and, again, I should note the Undersheriff and the Sheriff historically have made far less than the higher-tired law enforcement officials equivalent in Wyandotte County. So, again, parity was a concern. I've already spoke to the fact of the duties that the Sheriff is tasked to do in Wyandotte County, so that's why it has been brought forward to this Commission.

Mayor Garner said I believe there is a motion and a second. **Ms. Sparks** said yes. **Mayor Garner** said okay. Any further discussion? Seeing none, roll call, please.

Roll call was taken and there were eight "Ayes," Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Kane; and one "No," Townsend.

Mayor Garner said the next item, we are going to go to the Land Bank. We're going to transition—we're going to adjourn the Regular Session of our Commission meeting in that capacity. I'm going to call us back to order as the official Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1 – 212036...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager. Please visit the new site to review the applications below. On October 10, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission. Make sure the filter in the top right corner is set to 10/27/22 Full Commission

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/?draft=true>

A. New Construction - Single Family Homes – 24 Homes

1. CHWC – 1 Home
1035 Ohio Ave. – 093702
2. CHWC – 1 Home
1221 Barnett Ave. – 080970
3. CHWC – 1 Home
1236 Barnett Ave. – 081064
1234 Barnett Ave. – 080956
4. CHWC – 3 Homes
618 N. 11th St. – 080519
1137 Ann Ave. – 080823
1135 Ann Ave. – 080822
907 N. 12th St. – 080790
5. CHWC – 1 Home
741 Everett Ave. – 081979
6. Damon Downs, Jr. – 1 Home
3001 N. 48th Terr. – 178024
7. Damon Downs, Jr. – 1 Home
3557 N. 56th Terr. – 920628
10. Sarita Stephenson – 1 Home
1068 Kimball Ave. – 106116
11. Sarita Stephenson – 1 Home
2802 Parkwood Blvd. – 106187
12. Sarita Stephenson – 1 Home
2904 Parkwood Blvd. – 106126
13. Nosaze Enoma Ighodaro – 1 Home
2829 N. Bethany St. – 106304
15. Gisela Medina – 1 Home
2736 N. 39th St. – 105625

16. Jaime Fernandez – 1 Home
336 Walker Ave. – 254322
17. Kenneth Nelson – 1 Home
5705 Tauromee Ave. – 204401
18. Laurie Tomelleri – 1 Home
37 N. Broadview Ave. – 120320
19. Pamela Smart – 1 Home
1144 Garfield Ave. – 097959
1144 Garfield Ave. – 097901
20. Robert Ottens – 1 Home
6153 Parkview Ave. – 31828
21. Steven Kinney – 1 Home
3601 Locust Ave.– 79642
22. Vlad Nicolae Geana – 1 Home
2214 S. Ferree St. – 126611
2220 S. Ferree St. – 126612
23. Beryah Butts – 1 Home
3936 Mission Rd. – 209006
25. Jay Trib – 1 Home
2831 Glenrose Ln. – 130504
2823 Glenrose Ln. – 130503
2817 Glenrose Ln. – 130502
2811 Glenrose Ln. – 130501
26. Stephen Russell – 1 Home
2314 S. 71st St. – 225613

B. Multi Family – 20 Units total

1. CHWC – 4 Units
1118 Armstrong Ave. – 80802
1116 Armstrong Ave. – 080803
1114 Armstrong Ave. – 080804
1112 Armstrong Ave. – 080805
2. CHWC – 6 Units
816 N. 12th St. – 80900
818 N. 12th St. – 080899
814 N. 12th St. – 080901
812 N. 12th St. – 080902
3. Maricela Zamora – 4 Units
1925 N. 47th St. – 061709
061701

5. Justen Waters – 2 Units
2101 N. 77th St. – 928610
6. Amit Bhakta – 2 Units
516H N. 9th St. – 090304

C. Commercial – 2

1. Diana Navarro
1100 Minnesota Ave. – 80776
1102 Minnesota Ave. – 080754
1104 Minnesota Ave. – 080775
4. Librado Ruiz Ayala
821 S. 12th St. – 072547

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

Mayor Garner said before we go there, do any members of the Commission or County Administrator wish to set-aside any item on the Land Bank Consent Agenda. Seeing none, there's a motion and a second. Clerk, roll call please.

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

ADJOURN

Mayor Garner said with no further business before us, this concludes our Commission meeting. I will entertain a motion to adjourn.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Davis, to adjourn.**

Mayor Garner said we have a motion and a second. Clerk, roll call.

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

**MAYOR GARNER
ADJOURNED THE MEETING AT 12:44 A.M.
October 28, 2022**

Monica L. Sparks
Acting Unified Government Clerk

am/cg

October 27, 2022