

**FEBRUARY 29, 2024 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

Location: Hybrid

We invite you to view the meeting in person in the Commissioner Chambers, Lobby Level of the Municipal Office Building, 701 N 7th Street, Kansas City, Kansas, or virtually via a Zoom webinar.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87605474187>

Or One tap mobile:

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+16699009128,87605474187# US (San Jose)

Or Telephone:

Dial (for higher quality, dial a number based on your current location): +1 669 444 9171 US, +1 669 900 9128 US (San Jose), +1 719 359 4580 US, +1 253 205 0468 US, +1 253 215 8782 US (Tacoma), +1 346 248 7799 US (Houston), +1 301 715 8592 US (Washington DC), +1 305 224 1968 US, +1 309 205 3325 US, +1 312 626 6799 US (Chicago), +1 360 209 5623 US, +1 386 347 5053 US, +1 507 473 4847 US, +1 564 217 2000 US, +1 646 558 8656 US (New York), +1 646 931 3860 US, +1 689 278 1000 US 888 475 4499 US 9(Toll-Free) 877 853 5257 US (Toll-Free)

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, FEBRUARY 29, 2024 AGENDA**
- VI. CLERK'S STATEMENT**
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

VI. CLERK'S STATEMENT

(Anyone wishing to speak about a particular item on the Planning & Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning & Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Planning & Zoning Consent Agenda are viewed as a single group and voted on with one vote.)

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2023-030 - RIAD BAGHDADI

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to construct a duplex at 2919 West 44th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

(RECOMMENDED FOR DENIAL)

Tracking #: 212978

2. COZ2023-033 - ROBERT KARL

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to use the property for agricultural purposes at 6815 Cernech Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design

(RECOMMENDED FOR APPROVAL)

Tracking #: 212981

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2023-078 - ANDREW HARRIS WITH PIPER DEVELOPMENT GROUP

Synopsis: Special Use Permit for grading/removal of earthen fill at 4919 North 126th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212982

2. SP2023-096 - SANDRA COLEMAN

Synopsis: Special Use Permit to operate a Short-Term Rental at 2815 North 81st Court, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR DENIAL)**

Tracking #: 212984

3. SP2023-103 - JUAN CARLOS MALDONADO

Synopsis: Special Use Permit for the Temporary Use of Land to keep a semi-tractor trailer at the residence at 4936 Waverly Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR DENIAL)**

Tracking #: 212985

4. **SP2023-108 - MARCOS OLIVA**

Synopsis: Special Use Permit for a Short-Term Rental at 2903 West 45th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212986

5. **SP2023-111 - RYAN FORSHEE WITH CATHOLIC CHARITIES OF NE KANSAS**

Synopsis: Renewal of a Special Use Permit (SP2021-082 – expired 2/3/2024) to operate a group dwelling unit at 2601 Ridge Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 212977

6. **SP2023-115 - DEBORAH SAGE**

Synopsis: Special Use Permit to operate an automotive dealership at 2959 North 7th Street Trafficway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212987

7. **SP2023-116 - DONNA BARNETT**

Synopsis: Special Use Permit to operate a Short-Term Rental at 2311 North 104th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212988

8. **SP2023-118 - JUSTIN APPLEBERRY WITH THE DAVENPORT**

Synopsis: Special Use Permit to operate a drinking establishment at 401 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212989

9. **SP2023-120 - HOUSTON DEFOE WITH BLUE PALM LLC**

Synopsis: Special Use Permit for a drinking establishment at 204 Orchard Street (downstairs), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212990

10. **SP2023-121 - JESSICA MORENO WITH NEXT GUEST KC**

Synopsis: Special Use Permit to operate a Short-Term Rental at 611 Douglas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212991

11. **SP2024-001 - GUY HOLBERT**

Synopsis: Special Use Permit for Penske truck leasing, rental and repair at 11 North James Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212993

C. PLAN REVIEW APPLICATIONS

1. **PR2023-039 - WILLIAM LANIER WITH LANIER UNITED LLC**

Synopsis: Preliminary and Final Development Plan for a mixed-use redevelopment of the Jack Reardon Center, which includes apartments, retail commercial, and an event center at 500 Minnesota Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212994

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

1. AN ORDINANCE authorizing a Special Use Permit (SP2023-066) for a non-owner-occupied Short-Term Rental at 408 Sandusky Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212997

2. AN ORDINANCE authorizing a Home Occupation Special Use Permit (SP2023-088) to produce gummies, topicals and a powdered drink at 11411 Hollingsworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212998

3. AN ORDINANCE authorizing a Home Occupation Special Use Permit (SP2023-089) for a dog grooming operation at 10120 Hollingsworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212999

4. AN ORDINANCE authorizing a Special Use Permit (SP2023-102) for continuation of a drinking establishment with live entertainment at 614 Reynolds Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 213000

5. AN ORDINANCE authorizing a Home Occupation Special Use Permit (SP2023-104) to operate a cottage bakery business at 1206 North 132nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 213001

6. AN ORDINANCE authorizing a Special Use Permit (SP2023-105) for a non-owner-occupied Short-Term Rental at 4509 Garfield Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 213002

7. AN ORDINANCE authorizing a Special Use Permit (SP2023-107) to operate a daycare on the campus of the Boys and Girls Club at 1220 Troup Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213003
8. AN ORDINANCE authorizing a Special Use Permit (SP2023-079) for eight (8) mature ducks and ducklings not to exceed 40 at any one time at 1921 Nebraska Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213004
9. AN ORDINANCE rezoning property at 290 South 10th Street (COZ2023-012) from CP-O Planned Nonretail Business District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213005
10. AN ORDINANCE rezoning property at 4105 Gibbs Road (COZ2023-029) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213006

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2023-032 - ASHLY MEEK

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to operate an agro-tourism business at 3921 North 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.
(RECOMMENDED FOR APPROVAL - 7/1 VOTE)
Tracking #: 212979

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2023-094 - FRAN SUTTON WITH CROSSLINES

Synopsis: Special Use Permit to operate an emergency cold weather shelter at 550 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 7/1 VOTE)**
Tracking #: 212983

2. SP2023-112 - ASHLY MEEK

Synopsis: Special Use Permit to operate an agro-tourism business at 3921 North 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS, 7/1 VOTE)**
Tracking #: 212980

3. **SP2023-122 - ANDREW C. MALL**

Synopsis: Special Use Permit to operate a Short-Term Rental at 6115 Oak Grove Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR DENIAL - 6/1 VOTE)**

Tracking #: 212992

C. MASTER PLAN APPLICATION

1. **MPL2023-020 - KELLY WINKEL**

Synopsis: Master Plan Amendment from Downtown Mixed-Use (Downtown Area Plan) to Civic (Downtown Area Plan) to construct the KCKCC Downtown Campus at 645 Nebraska Avenue, 1101 North 7th Street, and 600, 612, 624, 632 and 646 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 5/2 VOTE)**

Tracking #: 212995

D. PLAN REVIEW APPLICATIONS

1. **PR2023-044 - KELLY WINKEL**

Synopsis: Preliminary Development Plan for the KCKCC Downtown Campus at 645 Nebraska Avenue, 1101 North 7th Street, and 600, 612, 624, 632 and 646 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 5/2 VOTE)**

Tracking #: 212996

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR FEBRUARY 29, 2024

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2020.

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.

IX. MAYOR'S AGENDA

1. **PROCLAMATION: BLACK HISTORY MONTH**

Synopsis: Proclamation proclaiming February 2024 as Black History Month, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 213014

X. REGULAR CONSENT AGENDA

1. NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Economic Redevelopment Advisory Board:

Appointment of Wendy Green-Term 2/29/24 to 12/15/25, submitted by Commissioner Kane.

Appointment of Ken Yarnevich-Term 2/29/24 to 12/15/27, submitted by Commissioner Burns.

Appointment of Gordon Criswell-Term 2/29/24 to 12/15/25, submitted by Commissioner Townsend.

Appointment of Tim King-Term 2/29/15 to 12/15/27, submitted by Commissioner Lopez.

Community Benefit Advisory Board:

Appointment of Mary Dorr-Term 2/29/24 to 12/31/24, submitted by Commissioner Burns.

Appointment of Devaney Cole-Term 2/29/24 to 12/31/24, submitted by Commissioner Davis.

Appointment of Stefon King-Term 2/29/24 to 12/31/24, submitted by Commissioner Townsend.

Advisory Board on Human Relations and Disabilities:

Appointment of Stephanie Barton-Term 2/29/24 to 12/15/27, submitted by Commissioner Lopez.

Appointment of Claudine (Dinie) Sanders-Term 2/29/24 to 12/15/25, submitted by Commissioner Burroughs.

Wyandotte/Leavenworth Area Wide Advisory Council on Aging:

Appointment of Jamey Rodriguez-Term 2/29/24 to 12/15/27, submitted by Commissioner Lopez.

Park Board:

Appointment of Kevin Mitchell-Term 2/29/24 to 12/15/25, submitted by Commissioner Townsend.

Self-Supported Municipal Improvement District:

Appointment of Clayton Hunter-Term 2/29/24 to 12/15/27, submitted by Commissioner Hill.

Housing Authority:

Appointment of Dr. Nozella Brown-Term 2/29/24 to 12/15/25, submitted by Commissioner Townsend.

Landmarks Commission:

Appointment of Kevin Steele-Term 2/29/24 to 12/15/25, submitted by Commissioner Burroughs., submitted by Lisa Rangel, Professional Assistant, Diana Segui, Professional Asst, Commissioners' Office.

Tracking #: 213008

2. **PLAT: HOMEFIELD ATLAS 9**

Synopsis: Plat of Homefield Atlas 9, located at 98th Street and State Avenue, and being developed by HFS KCK LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 213009

3. **PLAT: VUE39**

Synopsis: Plat of VUE39, located at West 39th Avenue and Booth Street, and being developed by Avenue Living U.S Operating LP No 5, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 213010

4. **PLAT: MCGREW GROVE**

Synopsis: Plat of McGrew Grove, located at Quindaro and North Hallock Street, and being developed by Southwest Boulevard Family, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer., submitted by Brent Thompson, County Surveyor, Troy Shaw, County Engineer.

Tracking #: 213011

5. **MINUTES**

Synopsis: Minutes from the Full Commission meeting on February 2, 2023, and the Special Session meeting on February 8, 2024.

Tracking #: MINUTES

6. **WEEKLY BUSINESS**

Synopsis: Weekly business materials dated January 25, 2024.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. **ORDINANCE/RESOLUTION: SALE AND ISSUANCE OF GENERAL OBLIGATION 2024-A BONDS**

Synopsis: Approval of a resolution/ordinance authorizing and providing for the issuance and sale of General Obligation Improvement Bonds, Series 2024-A, submitted by Debbie Jonscher, Interim Chief Financial Officer.

Tracking #: 212968

2. **RESOLUTION: GENERAL OBLIGATION 2024-B COUNTY BOND SALE**

Synopsis: An ordinance authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2024-B and a resolution authorizing and directing the sale and delivery of General Obligation Improvement Bonds, Series 2024-B, submitted by Deborah Jonscher, Interim Chief Financial Officer.

Sale of bonds was approved at the Full Commission Meeting held 12/7/2023 Full Commission.

Tracking #: 212970

3. **RESOLUTION: GENERAL OBLIGATION 2024-I TEMPORARY NOTES SALE**

Synopsis: A resolution authorizing and directing the issuance, sale and delivery of Municipal Temporary Notes, Series 2024-I, presented by Deborah Jonscher, Interim Chief Financial Officer.

Sale of notes was approved at the Full Commission Meeting held 12/7/2023 Full Commission.

Tracking #: 212969

4. **ORDINANCE: PROCTER & GAMBLE TRAILHEAD**

Synopsis: An ordinance condemning real property and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land for the Levee Trail Armourdale Improvements Project (Project No. 105 N-0779-01), submitted by Jeff Fisher, Executive Director of Public Works.

Tracking #: 212973

5. **ORDINANCE: JAMES STREET TRAILHEAD**

Synopsis: An ordinance condemning real property and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land for the North James Street Trailhead (Project No. 105 N-0781-01), submitted by Jeff Fisher, Executive Director of Public Works.

Tracking #: 212974

6. **APPOINTMENTS: WITNESS DESTRUCTION OF ELECTION BALLOTS AND RECORDS**

Synopsis: Appoint Commissioner Ramirez and Commissioner Lopez to witness the destruction of ballots and records that no longer need to be retained on March 4, 2024. Should the primary appointments be unable to attend, alternate appointments should be Commissioner Hill and Bette McGill. Ms. McGill has been appointed as an alternate by Commissioner Lopez, submitted by Zach Hunt, Deputy Election Commissioner.

Tracking #: 213007

7. **PRESENTATION: 2024 CASINO GRANT OVERVIEW**

Synopsis: An overview of the Hollywood Casino Grant process and timeline, submitted by Angel Ferrara, Director of Parks and Recreation.

For Information Only

Tracking #: 212966

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. LAND BANK OPTION APPLICATIONS

Synopsis: The following **option application(s)** was presented at the 01/08/2024 meeting:

Please visit the new site to review the applications below

<https://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 5 Homes

B. Multi Family – 4 Units

Tracking #: 213015

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Change of Zone Petition COZ2023-030

GENERAL INFORMATION

Applicant:

Riad Baghdadi

Status of Applicant:

Representative
RB Architecture Engineering
11661 College Boulevard
Overland Park, Kansas 66210

Requested Actions:

Approval of a Change of Zone.

Date of Application:

September 29, 2023

Purpose:

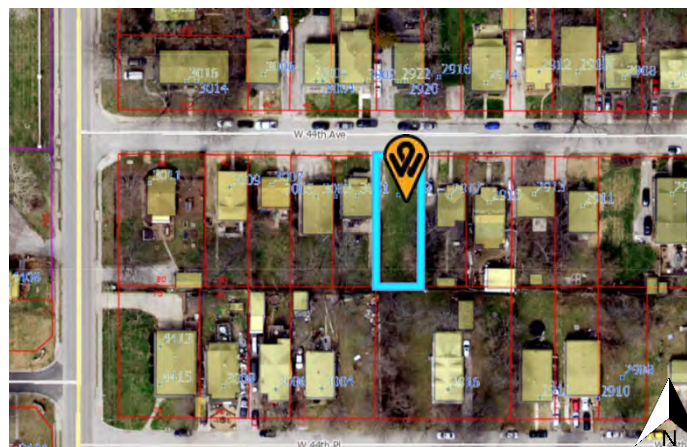
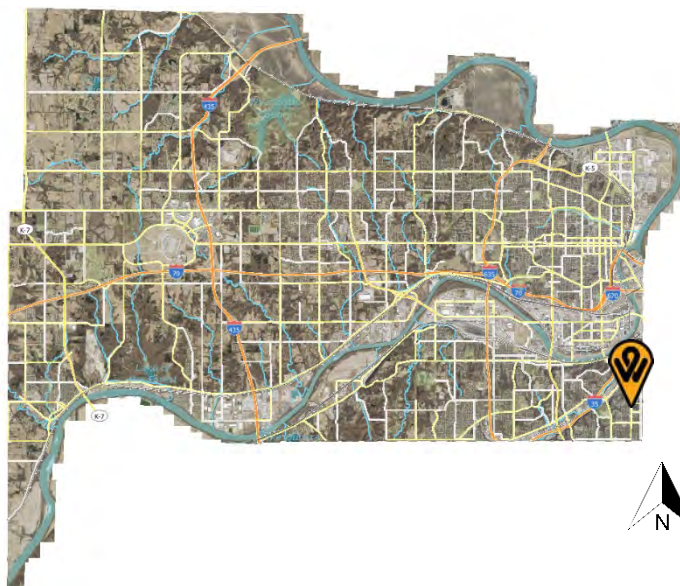
To approve a Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to construct a duplex.

Property Location:

2919 West 44th Avenue
Kansas City, Kansas 66103

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-2(B) Two Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-2(B) Two Family District
Adjacent Uses:	North: Duplex South: Single-family residence East: Single-family residence West: Duplex
Total Tract Size:	0.11 Acre
Comprehensive Plan Designation:	The Rosedale Area Plan designates the property as Single-Family, which allows detached single-family residences.
Major Street Plan:	The goDotte Mobility Plan designates West 44 th Avenue as a Local/Neighborhood Street.
Parking Requirement:	Section 27-457(d) states “One (1) parking space for each dwelling unit shall be provided on the premises”. There are two (2) units and there will be two (2) spaces provided on the premises.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023, November 7, 2023 and December 7, 2023, January 11, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Riad Baghdadi, is requesting a Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to construct a new duplex on a vacant lot at 2919 West 44th Avenue.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There is a history of code enforcement violations on the property for environmental violations, including tall grass and weeds.
 - a. 2023 – ABT23-2719 – Abatement – Tall Grass and Weeds
 - b. 2018 – 18225-04988 – Abatement - Tall Grass and Weeds
 - c. 2017 – 17225-05012 – Abatement - Tall Grass and Weeds
 - d. 2017 – 17225-01292 – Abatement - Tall Grass and Weeds
 - e. 2016 – 16212-01728 – Abatement - Tall Grass and Weeds
 - f. 2015 – 15208-02039 – Abandoned Vehicle
 - g. 2013 – 13203-00110 – Environmental Violations – Pile of branches
 - h. 2010 – 10225-01001 – Abatement – Tall Grass and Weeds

Outstanding or Related Permits and Cases:

1. There are no additional or outstanding related permits or cases on the subject property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The property is located within the Rosedale Statistical Neighborhood, the Frank Rushton Neighborhood Group, and the Rosedale Development Association group. The neighborhood consists primarily of single-family residences, duplexes, and garden-style apartments, as well as a church and an elementary school.

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

The zoning and uses are set out above. The neighborhood consists primarily of single-family residences, duplexes, and garden-style apartments. There are two (2) duplexes directly adjacent to the subject property. The proposed use is compatible with adjacent uses.

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

The property is currently a vacant 40-foot-wide narrow lot. The property is suitable for a duplex depending on the design. The proposed duplex must conform to the Narrow Lot Design Guidelines and the Rosedale Area Plan Design Guidelines. The narrow lot design guidelines, however, would also allow a single-family residence with an Accessory Dwelling Unit (ADU) as well as a duplex with an ADU. The removal of restrictions, however, will not detrimentally affect nearby property, as the Narrow Lot Design Guidelines require a development that is consistent with nearby properties.

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

The property has been vacant and has never been developed.

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

The proposed use is reasonably necessary for the convenience and welfare of the public as the proposal will lead to additional housing being developed on the property. As long as the Narrow Lot Design Guidelines are followed, the proposed use is not expected to permanently injure the use, quality, or marketability of nearby property.

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

The proposed use will inherently lead to an increase in traffic, as this will be a development of a currently vacant lot, however, it is not expected to be to the point it exceeds the capacity of West 44th Avenue, a Local Street.

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

The Rosedale Area Plan designates the subject property as Single Family, which is designed for single family, detached houses. The proposed use would not conform to the Rosedale Area Plan designation as it is a duplex, rather than a single-family residence. The applicant could revise the plan in accordance with the Narrow Lot Design Guidelines, which would allow for a single-family house with an accessory dwelling unit (ADU). If the plan is not revised, the applicant shall submit for a Master Plan Amendment.

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

The proposed use is not expected to cause environmental harm or enhance the environment as it is being constructed in a built-out, mixed-use neighborhood.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control, with an inlet at 44th & Mission Road.

d. *Police*

Police service is provided by South Patrol, District #332

e. *Fire*

Fire service is provided by Station #10, one (1) mile away from the subject property.

f. *Transit*

Transit service is provided by KCATA routes 107 – 7th Street and 403 – Antioch/KU, which stop at 44th Street & Mission Road, one (1) block away.

g. *Schools*

Public Education is provided by Frank Rushton Elementary School, Rosedale Middle School and J.C Harmon High School, under Kansas City, Kansas USD 500.

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

The economic impact of the proposed use would be limited. The proposed use would be for the economic benefit of the property owner; however, the construction of a duplex would add to the housing stock in a high demand neighborhood, which could be seen as a benefit for the community.

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

The plan as proposed while compliant with the zoning ordinance, does not comply with the Narrow Lot Design Guidelines and the Rosedale Area Plan Design Guidelines, which is required on lots less than 50 feet wide. The plan would have to be revised to meet these guidelines, which are intended to

maintain a design consistent with established, pre-war, single-family neighborhoods.

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

The relative gain to public health, safety and welfare as compared to the hardship imposed on the property owner is limited. The proposed use would be for the benefit of the property owner. If denied, there would be limited hardship, as the applicant could still construct the property to have two (2) residences, one (1) single-family residence and one (1) unit in an accessory dwelling unit (ADU).

PREVIOUS ACTIONS

There have been no previous planning actions on the subject property.

NEIGHBORHOOD MEETING

The applicant has not hosted a neighborhood meeting to staff's knowledge.

KEY ISSUES

Narrow Lot Design Guidelines
Compatibility with Nearby Property
Parking
Right-of-Way Permit

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of Change of Zone Application **COZ2023-030**, for the following reasons:

- 1. The applicant did not host a neighborhood meeting to Staff's knowledge (and cannot be approved), post proper notice on the subject property, or respond to Staff Comments and Suggestions;**
- 2. The applicant could still accomplish the goal of providing two (2) units on the property, by following the Narrow Lot Design Guidelines and providing an Accessory Dwelling Unit (ADU);**
- 3. The proposed use does not meet Factors to Be Considered #5. The Rosedale Area Plan designates this property and surrounding properties and blocks as Single-Family, which was intended to preserve the character as a mostly single-family neighborhood. A newly constructed duplex would be in conflict with the Area Plan; and,**
- 4. The proposed use does not meet Factors to Be Considered #11. The applicant has not submitted a revised plan demonstrating compliance with the Narrow Lot Design Guidelines, neither with a duplex nor a single-family residence.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **DENIAL** of Petition **COZ2023-030** subject to all comments and suggestions outlined in this staff report, and the reasons listed by the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Elevations
Floor Plan
Site Photos, Taken by Staff, Dated October 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	February 12, 2024	February 29, 2024
Rezoning	Denial	

STAFF CONTACT: **James Molloy**
 jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-030**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-030** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:02:25:

CHANGE OF ZONE APPLICATION COZ2023-030 – RIAD BAGHDADI - SYNOPSIS:

Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to construct a duplex at 2919 West 44th Avenue. Detailed Outline of Requested Action:
The applicant, Riad Baghdadi, is requesting a Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to construct a new duplex on a vacant lot at 2919 West 44th Avenue.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:03:50: Planning Director Hand stated that the applications were filed last September 2023, and the applicant has been unresponsive. The applicant has not conducted a neighborhood meeting. Staff recommends denial of the application due to the unresponsiveness of the applicant.

Motion starts at 2:04:25:

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend DENIAL of Change of Zone Application COZ2023-030:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

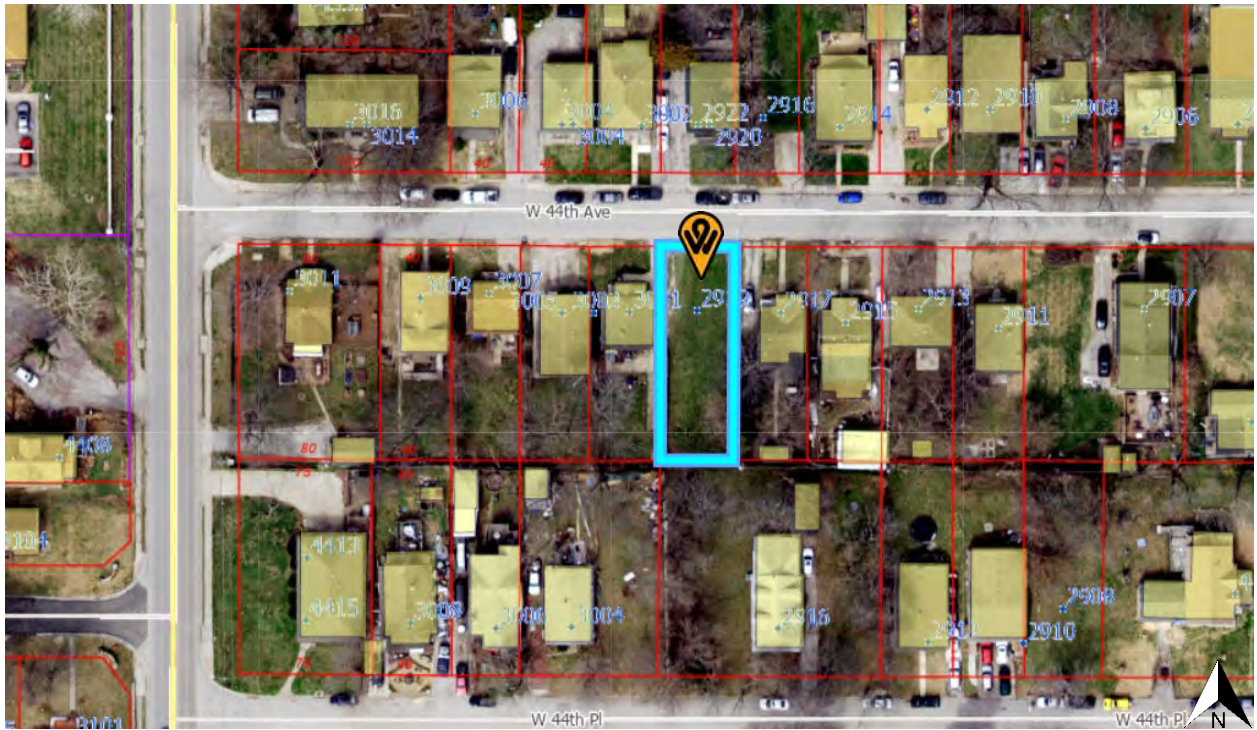
Motion to recommend DENIAL Passed: 8 to 0

For the following reasons:

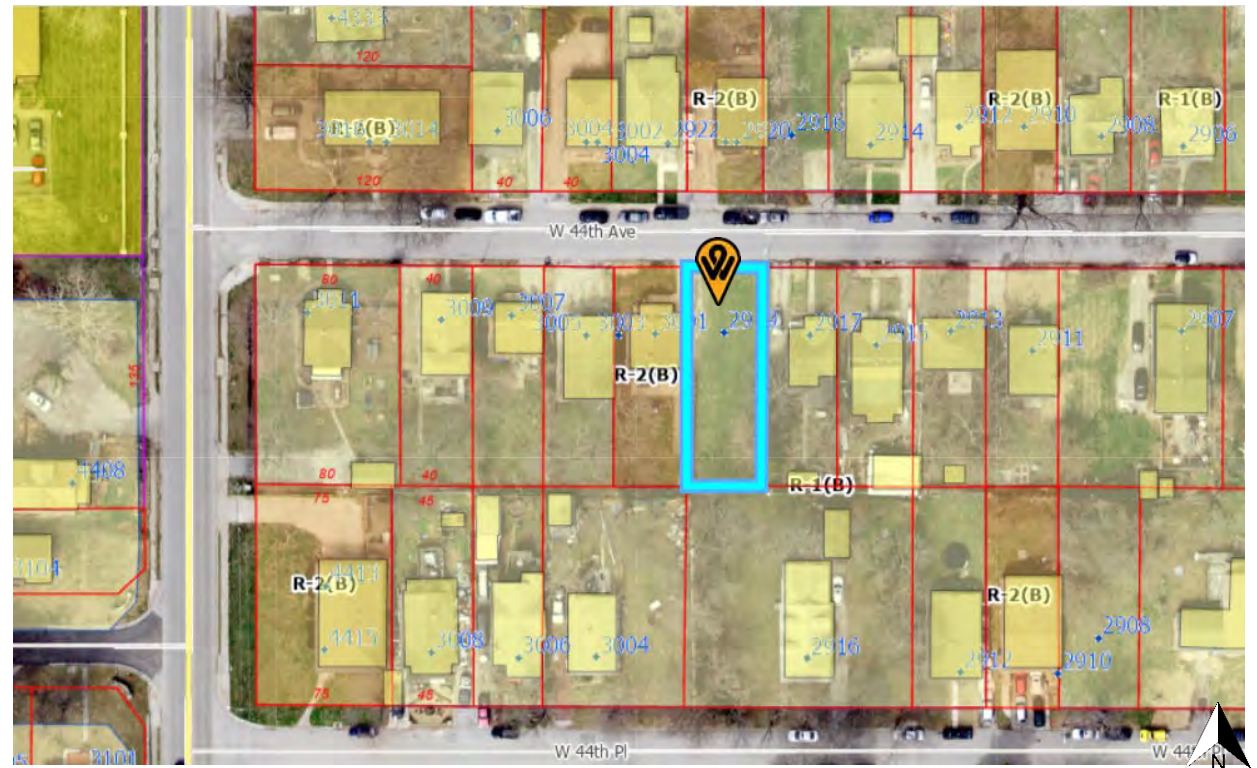
1. **The applicant did not host a neighborhood meeting to Staff's knowledge, post proper notice on the subject property, or respond to Staff Comments and Suggestions;**
2. **The applicant could still accomplish the goal of providing two (2) units on the property, by following the Narrow Lot Design Guidelines and providing an Accessory Dwelling Unit (ADU);**
3. **The proposed use does not meet Factors to Be Considered #5. The Rosedale Area Plan designates this property and surrounding properties and blocks as Single-Family, which was intended to preserve the character as a mostly single-family neighborhood. A newly constructed duplex would be in conflict with the Area Plan; and,**
4. **The proposed use does not meet Factors to Be Considered #11. The applicant has not submitted a revised plan demonstrating compliance with the Narrow Lot Design Guidelines, neither with a duplex nor a single-family residence.**

ATTACHMENTS

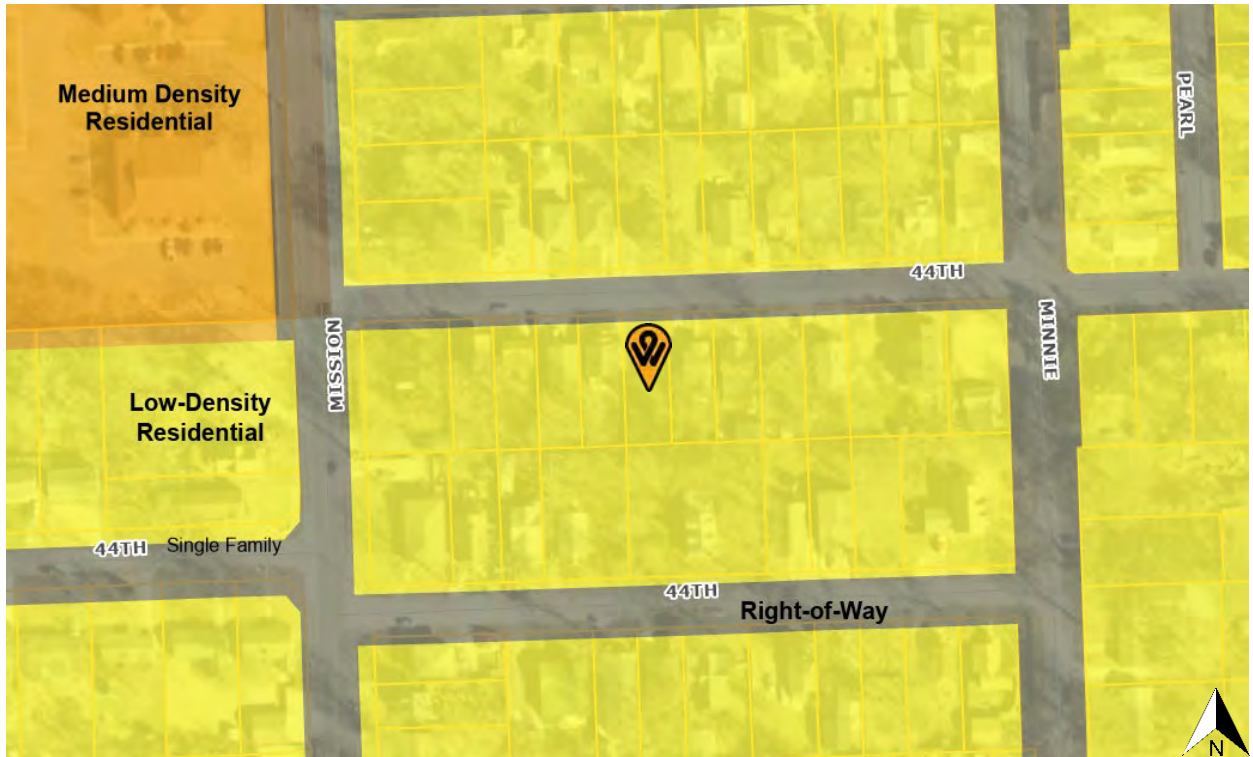
AERIAL IMAGERY



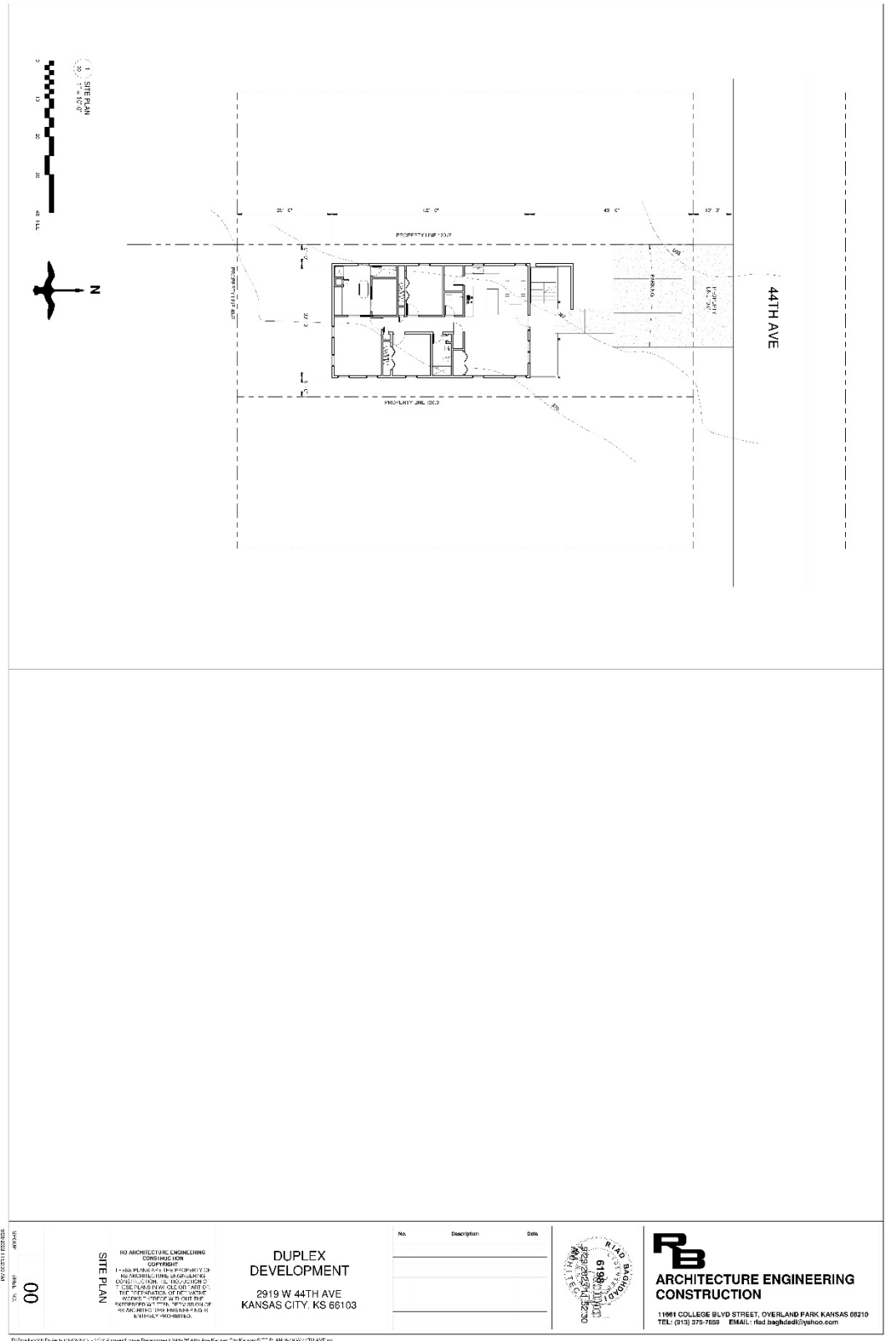
ZONING MAP



LAND USE MAP



SITE PLAN



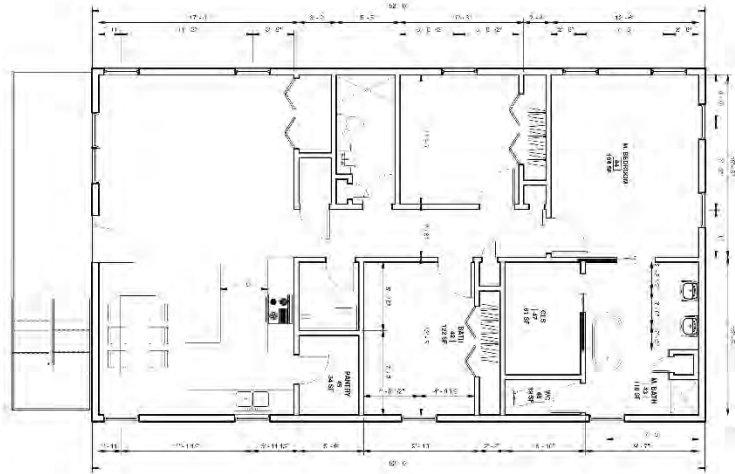
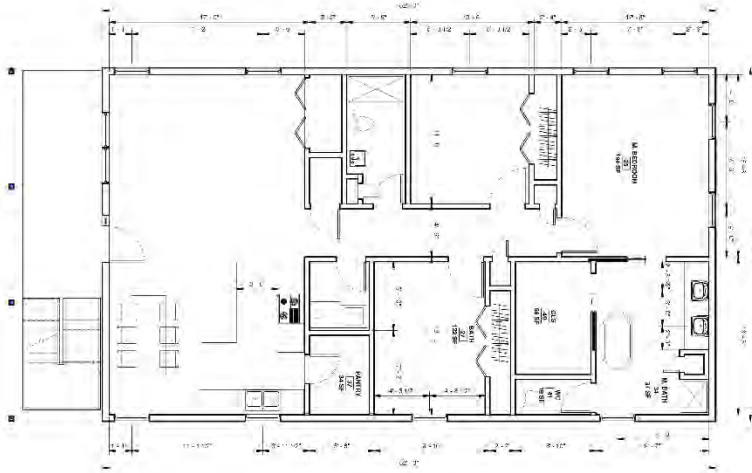
ELEVATIONS



FLOOR PLAN



1. FIRST FLOOR



NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTERLINE OF WALLS UNLESS OTHERWISE NOTED.
2. FINISHES ARE TO BE DETERMINED BY THE OWNER.
3. ALL ELECTRICAL AND PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL PLUMBING CODE (NPC).
4. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.

RESIDENCE
2919 W 44TH AVE
KANSAS CITY, KANSAS 66103

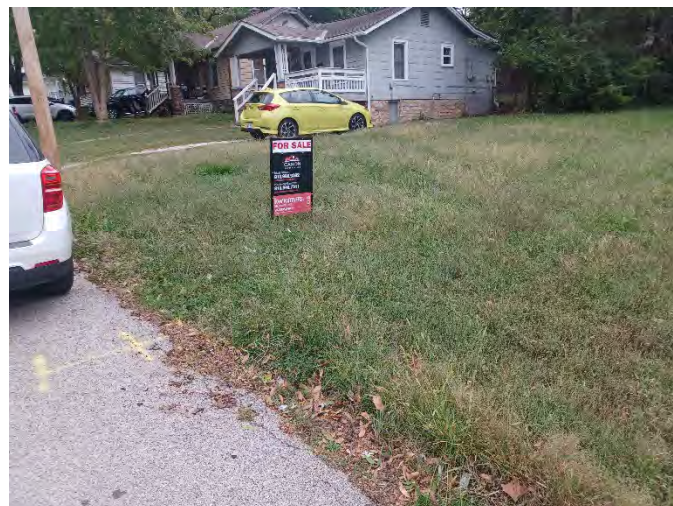
ARCHITECTURE ENGINEERING CONSTRUCTION

11641 COLLEGE BLVD STREET, OVERLAND PARK KANSAS 66210
TEL: (913) 275-7659 EMAIL: ried.baghdadi@yahoo.com

01

FLOOR PLANS

SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 14, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Change of Zone Petition COZ2023-033

GENERAL INFORMATION

Applicant:

Robert Karl

Status of Applicant:

Property Owner
3619 North 67th Street
Kansas City, Kansas 66104

Requested Actions:

Approval of a Change of Zone.

Date of Application:

December 28, 2023

Purpose:

To approve a Change of Zone from R-1 Single-Family District to A-G Agriculture District to keep livestock on the property and construct multiple accessory structures.

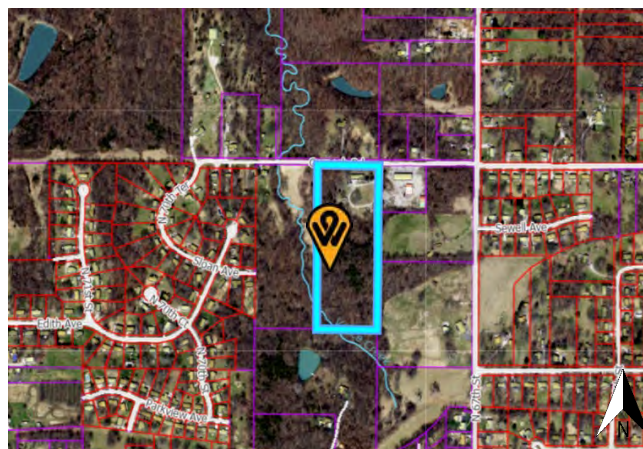
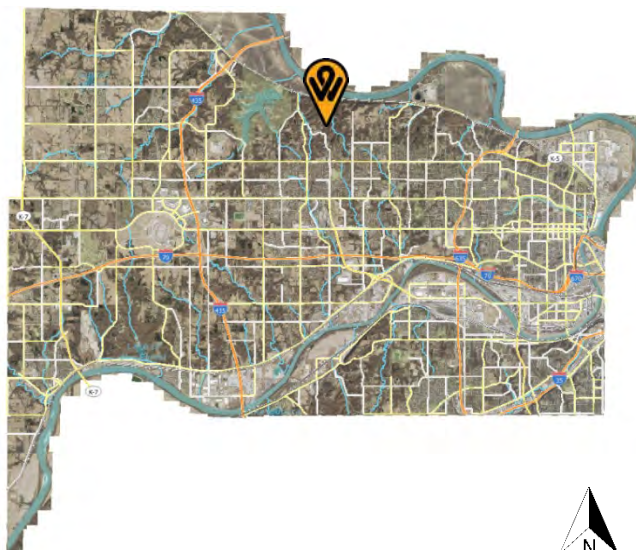
Property Location:

6815 Cernech Road and
3420 North 67th Street
Kansas City, Kansas 66104

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum

District #8 Commissioner: Andrew Davis



Existing Zoning:	R-1 Single-Family District
Adjacent Zoning:	North: R-1 Single-Family District and M-2 General Industrial Districts South: R-1 Single-Family District East: R-1 Single-Family District West: R-1 Single-Family District
Adjacent Uses:	North: Single-Family Residences South: Single-Family Residences East: Single-Family Residences West: Single-Family Residences
Total Tract Size:	17.98 Acres
Comprehensive Plan Designation:	PlanKCK designates the subject property as Rural-Density Residential, which allows agriculture, ranches and large lot residential development.
Major Street Plan:	The goDotte Mobility Plan designates Cernech Road and North 67 th Street as Local Streets.
Parking Requirement:	Section 27-452(e) states “two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”.
Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Robert Karl, has requested a Change of Zone from R-1 Single-Family District to A-G Agriculture District to keep livestock on the property and construct multiple accessory structures at 6815 Cernech Road and 3420 North 67th Street.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There is one (1) call for police service prior to the current owner.
 - a. 2018 – 05/09/2018 – Weapons Offense

Building, Zoning, or Code Enforcement Complaints:

1. Between the two (2) properties, there have been a few notices of violation on them from the previous owner(s).
 - a. 2019 – 19200-01282 – Structural – House in disrepair.
 - b. 2018 – 18225-00119 – Abatement – Trash
 - c. 2016 – 16212-01339 – Environment – Weeds
 - d. 2013 – 13212-00741 – Environment – Weeds

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases on the subject property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is within the Cernech Statistical Neighborhood, the Cernech Neighborhood and the Leavenworth Road Association. The neighborhood consists primarily of single-family residences and medium to large lots and agricultural lots, north of the Leavenworth Road Commercial Corridor.

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

The zoning and uses of properties are set up above. The proposed use is expected to be compatible with nearby uses, provided that proper buffering and screening is provided.

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

The property is 17.98 acres, which is larger than the threshold required for the A-G Agriculture District. The property, however, abuts and surrounds adjacent R-1 Single Family District zoning and single-family residences, which could be an issue. If managed properly, the property is suitable to be rezoned to A-G Agriculture District.

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

The property at 6815 Cernech Road has been intermittently lived on since October 2023, while the other portion at 3420 North 67th Street is used for a baseball diamond.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as it is for private use by the property owner. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property, as long as the proposed use is managed properly, and conditions set forth are adhered to.

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

The proposed use will not increase traffic to the point that it will exceed the capacity of North 67th Street and Cernech Road, a local street. The proposed development will be utilized for private and personal use by the applicant and will not function as a business.

7. *The degree of conformance of the proposed use to the Comprehensive Plan.*

Special Use Permits are not addressed in the Comprehensive Plan. PlanKCK designates the subject property as Rural-Density Residential, which allows agriculture, ranches and large lot residential development. The proposed use is in conformance with the Comprehensive Plan.

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

The proposed use could harm the environment due to contaminated run-off, however, this is not expected to be an issue so long as animal waste is managed properly.

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

a. *Water service*

BPU provides water service.

b. Sanitary sewer service

The UG does not provide sanitary sewer service. The property operates off of a septic system.

c. Storm water control

The UG does not provide storm water control.

d. Police

Police service is provided by West Patrol, District #224.

e. Fire

Fire service is provided by Station #18, which is located one and one-half mile (1.5) away from the subject property.

f. Transit

There is no transit service provided to the subject property.

g. Schools

Public Education is provided by John F. Kennedy Elementary School, Eisenhower Middle School and Washington High School under Kansas City, Kansas USD 500.

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

The proposed use will have a minimal economic impact on the community as it is for the private use and enjoyment of the property owner.

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

The proposed use is capable of meeting applicable ordinance requirements as long as the animals are kept and maintained, and the property is conserved and managed properly.

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

The relative gain to the public health, safety, and welfare will be minimal. There are concerns with increased water runoff and contamination of water runoff, due to animal waste. If denied, the applicant would not be able to construct more than one (1) accessory structure over 1,000 square feet without a variance.

PREVIOUS ACTIONS

Denial of a Special Use Permit (SP-2019-108) to keep work trucks on the property in 2019.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 29 and 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Animals
Ballpark
Conservation Plan
Floodplain
Stormwater Management
Tree Stand Preservation
Water Pollution

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-033**, subject to:

1. **Work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at wyco.conservation@gmail.com or (913) 334-6329;**
2. **All recommendations from the Wyandotte County Conservation District, in addition to conditions of approval from Planning + Urban Design as well as the applicant's submitted management plans shall be adhered to;**
3. **This Change of Zone will not be forwarded for publication until Staff receives a copy of the applicant's Conservation Plan as well as any adjustments to the previously submitted supporting documents as a result of the Conservation Plan;**
4. **All trees on the property shall be maintained to the best of the applicant's ability. Any trees that are removed shall be replaced if possible;**
5. **The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;**

6. 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;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. 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;
10. Lighting shall be installed to have a 90-degree cutoff;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be

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

15. 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,
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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-033** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Supporting Documents
Animal Waste Plan
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated January 17, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action
Public Hearing
Rezoning

City Planning Commission
February 12, 2024
Approval

Unified Government Board of Commissioners
February 29, 2024

STAFF CONTACT: **James Molloy**
 jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-033** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-033**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:27:15:

CHANGE OF ZONE APPLICATION COZ2023-033 – ROBERT KARL – SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District to use the property for agricultural purposes at 6815 Cernech Road. Detailed Outline of Requested Action: The applicant, Robert Karl, has requested a Change of Zone from R-1 Single-Family District to A-G Agriculture District to keep livestock on the property and construct multiple accessory structures at 6815 Cernech Road and 3420 North 67th Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by

- the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
 7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Robert Karl, applicant, 3619 North 67th Street, Kansas City, Kansas 66104
- Hannah Karl, 3619 North 67th Street, Kansas City, Kansas 66104
- Leona Karl, 3619 North 67th Street, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:34:15: Planning Director Hand stated that the request is for a Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes. The property is in the PlanKCK area. Staff received no letters in support nor opposition. There are Notices of Violation on the property that will be addressed with this proposed project. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:35:05:

On motion by Mr. Ward, seconded by Mr. Beth, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-033:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. **Work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at wyco.conservation@gmail.com or (913) 334-6329;**

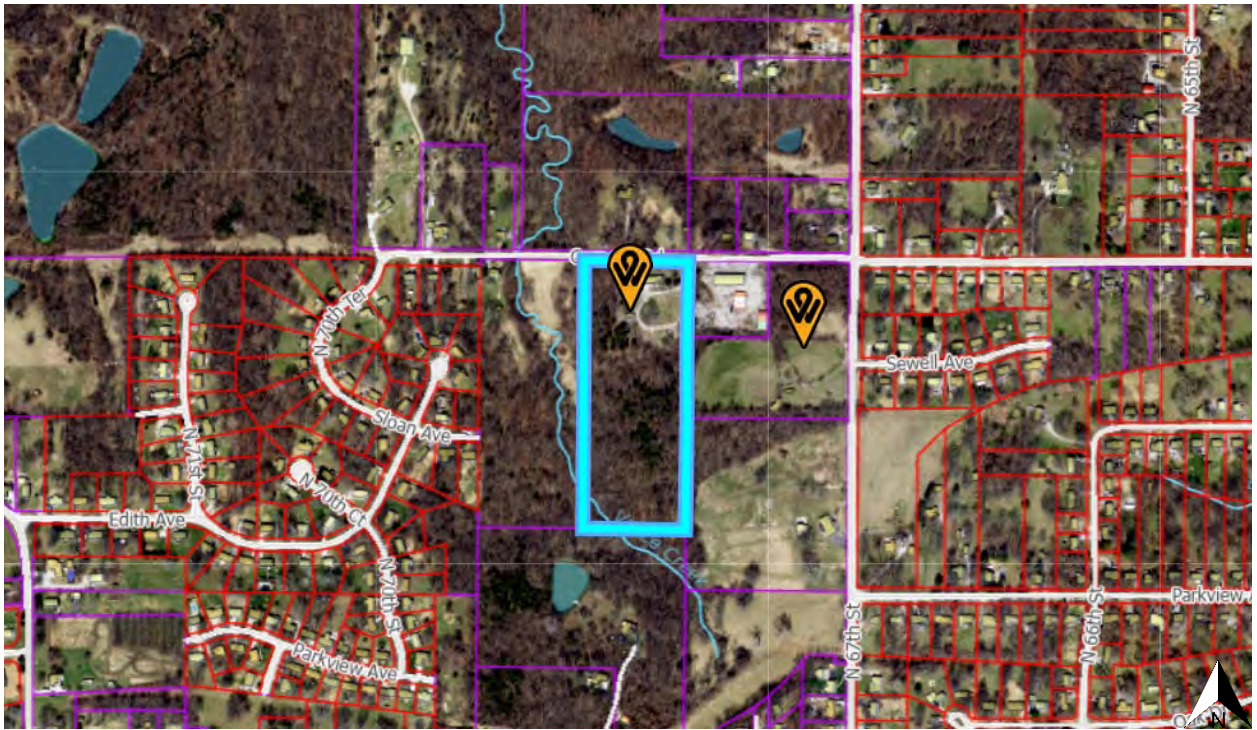
2. All recommendations from the Wyandotte County Conservation District, in addition to conditions of approval from Planning + Urban Design as well as the applicant's submitted management plans shall be adhered to;
3. This Change of Zone will not be forwarded for publication until Staff receives a copy of the applicant's Conservation Plan as well as any adjustments to the previously submitted supporting documents as a result of the Conservation Plan;
4. All trees on the property shall be maintained to the best of the applicant's ability. Any trees that are removed shall be replaced if possible;
5. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
6. 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;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. 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;
10. Lighting shall be installed to have a 90-degree cutoff;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing

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

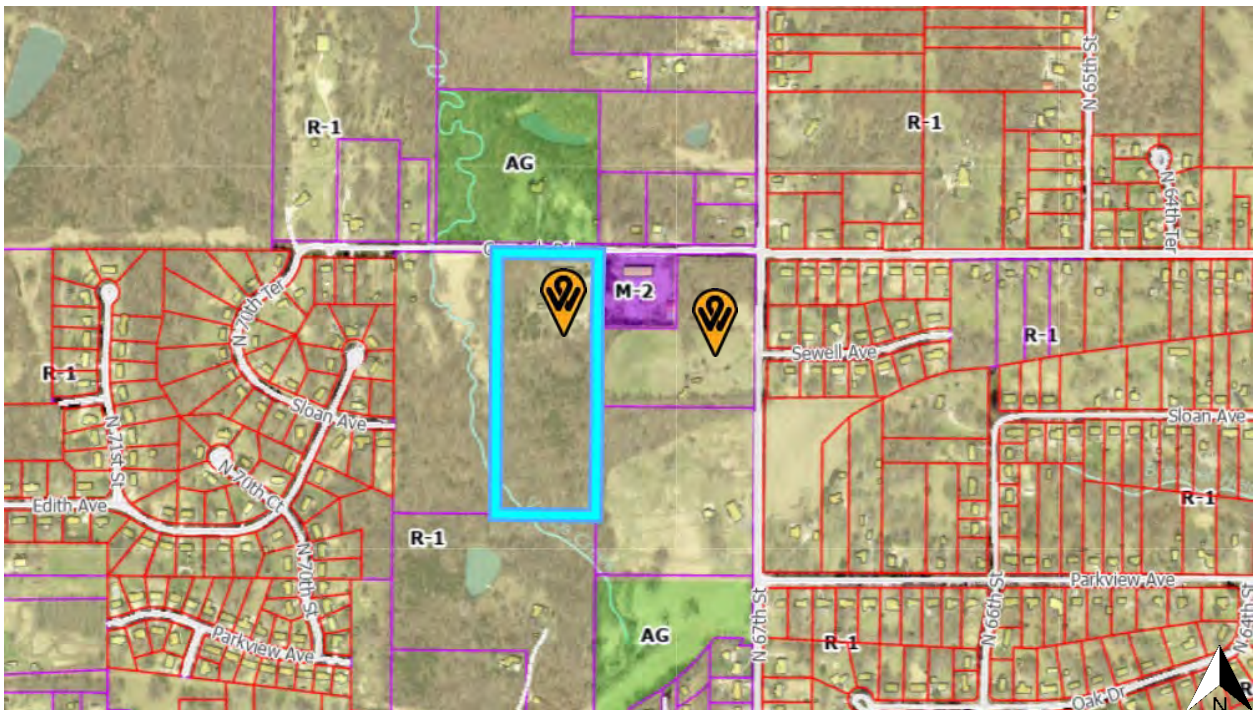
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
15. 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,
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.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



Introduction of Request

Purpose: Rezone 10 acre property from Residential to Agriculture to allow for additional accessory buildings for Ag use, livestock, and ability to sell excess produce from the property. In essence, a small family farm.

Animals: Start off with 2-3 Dwarf Nigerian goats. 2 of which would be dairy, and 1 wether. Chickens to support a family of 4. Long-term, add meat goats to the neighboring baseball field. Convert dugout to loafing shed.

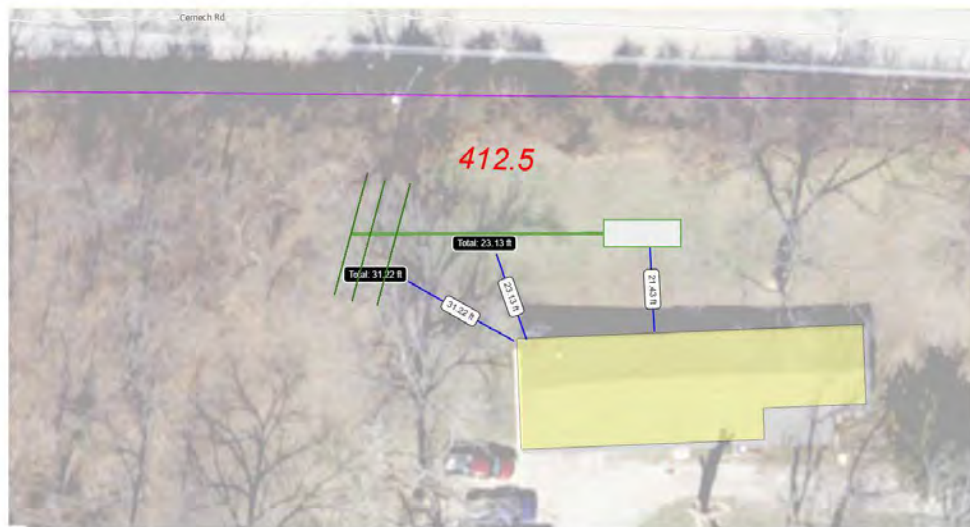
Equipment and Accessory Building: House future tractor, attachments, place to repair equipment out of the weather, storage for grains/feed and hay, and other general ag purposes. There will be no storage of recreational vehicles (boats, etc).

Paths and Drainage: Main driveway to house sufficiently covered in gravel. Large roundabout to be cleaned up to mitigate erosion. Conservation District to aid in drainage of Goat liquid waste. All hard waste to be composted in an area protected and away from water sources.

Main field area South of the House



Septic Tank 20' North of House with likely leach field 30' from home foundation.



Proposed Goat Barn in Existing Pole Barn



Proposed Goat Barn ~100' from Family Garden

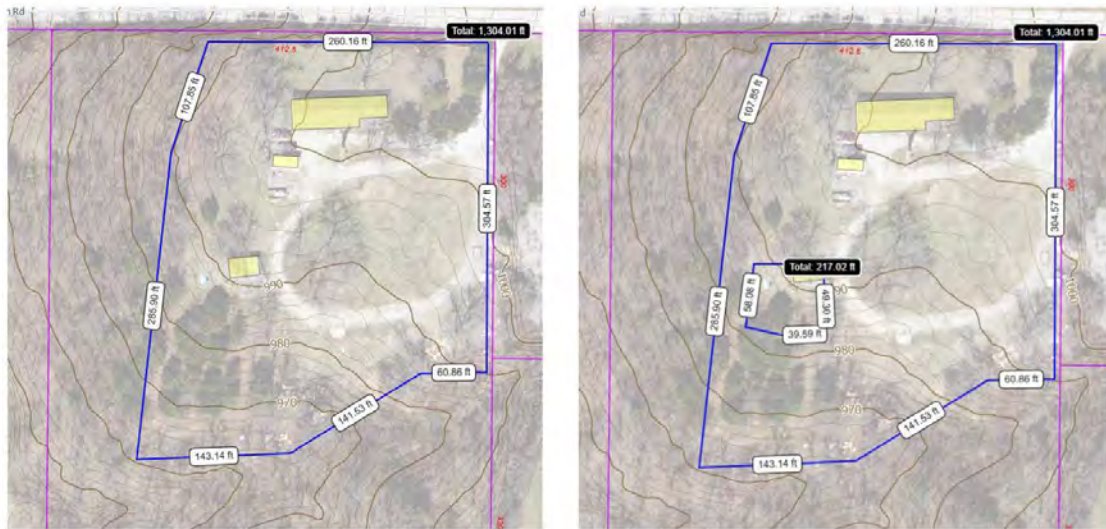
Septic Leach Field over 150' from Family Garden

Proposed Storage Structure over 50' from Family Garden

ALL are downhill from Proposed Family Garden

3 section composting system

Proposed Outer Fence Line & Proposed Goat Fence line



Rotational Grazing



Goats will be fed largely from the field grass that grows on the neighboring ball field.

Rotational grazing will be a key part of this process to ensure the health of the field, soil, and goats.

Future plans are to have meat goats rotating through that field. Dairy goats are to be housed at 6815 Cernech Rd.

Plan to work with Conservation District to test soil quality and then keep goats in quadratic rotational grazing with one rotating fallow quad. Portable goat shelter wherever goats are presently grazing. Main shelter to be fully enclosed in former baseball dugout.



ANIMAL WASTE PLAN

Animal Waste Management and Disposal Plan

- 3 Dwarf Nigerian goats poop less than a ton per year.
- 6 chickens poop 2,190 pounds (1.095 tons) per year.
- Total amount of waste: 4000 pounds (2 tons) per year.
- Poop to be used as fertilizer in the garden, around trees, and the remainder in the fields.
- Waste to be spread every 6 months onto the above mentioned areas, meaning 2000 pounds (1 ton) per 6 months.
- Waste will be
- 3 Dwarf Nigerian goats to be in the barn area in winter and fields in summer.
- One 625 sq. ft. and two 425 sq. ft. existing shelters.
- 1 dairy stall (manual).
- Compost bins that hold goat waste near the largest goat shelter.
- Compost bins that hold chicken waste near the main compost area, also nearest the chicken coop.
- Third compost area for the Mortality Composting Process (see research paper for details [Goat Mortality Composting.pdf \(langston.edu\)](#))
- Burial to be used in case of goat death by scrapie or other severe zoonotic disease.

Odor Control

- Largest goat shelter to have natural ventilation.
- Goat manure is known to have no to little odor and will be placed in compost bins over 400 ft. away from the nearest neighbors home.
- Chicken manure will be placed in compost bins over 525 ft. from the nearest neighbors home and will be covered by leaves to mitigate any odors.
- These fans along with the biofilters will be located both in the barn and the shelter that contains the waste.

Insect Control

- We will clean out manure once a week so that the flies won't lay eggs in it and bother the goats.
- Deworming/Parasite Removal Plan: Organic, all natural dewormers to be applied on a regular schedule to ensure the health and safety of the goats.
- Fleece Worms: We will clean the infected area so none will come.
- Goat Lice: A goat has lice when there are a lot of patches of fur missing on its body. We will use a natural and organic treatment on the affected goat.

Waste Management System

- Type B: Compost.
- Compost in the traditional 3 bin system, one system for the goats, and one for the chickens. Garden waste, leaves, etc to be added to both.
- Composted waste to go on the garden, around trees, and worked into the field.
- We will have an estimated 4000 pounds (2 tons) of manure produced annually.
- Our estimate does not include goat kids since we do not know how many kids we are going to have nor how long they will be on the farm.

Facility Information

- Small family farm in Wyandotte County, KS capable of sustaining our family and providing outdoor enjoyment and learning opportunities for us and our children.

- Farm Animals:
 - 3 Dwarf Nigerian goats (2 dairy producing does, 1 wether)
 - 6 egg laying chickens
 - 2 barn cats
 - Future: farm dog, expanded goat herd of meat goats if we can handle the original three. Unknown how many at this time, but no more than the land can naturally feed.

Mortality

- In the same way that microorganisms degrade vegetative waste and turn it into a rich soil amendment, animal carcasses can be turned into an organic matter-rich material that can be spread on pastures and other agricultural land.
- Upon death of an animal, by non severe zoonotic means, it shall be composted by the Mortality Composting process in its own compost system.
- If death occurs by a severe zoonotic means, it shall be buried at an appropriate distance from waterways, water sources, in a safe manner.

Riparian Buffers & Best Management Practices

- Only natural fertilizers from composted materials from on-site compost bins will be used in the fields, garden, and around trees.
- Herbs and other plants to be placed in rocky areas to aid in the control of soil erosion.
- We will plant some around our fields and fence lines as well to help with control erosion and pest management as certain herbs are known to keep pests away from gardens, crops, and animals.

Emergency Management Plan

- We should have water supplies that last 2 to 3 days.
- Trucks, tractors, and other equipment should be fueled and ready for access to transport or move to a certain location.
- We need propane generators for power outages and we need the propane fuel for these generators.
- The barn and outside shelters will have proper drainage to prevent water penetration in the barn and other dry places that the animals are living in.
- Having the shelter doors close once all the goats get inside from the pasture during a bad storm.
- We need to have plenty of feed for the animals without having to restock.
- Type B: Compost.
- The composted waste will go onto our garden, around trees, and on the field every 6 months.
- We will have an estimate of 4000 pounds (around 2 tons) of manure produced annually.
- Our estimate does not include kids since we don't know how many kids we are going to have and how long they will be there.

NEIGHBORHOOD MEETING MATERIALS

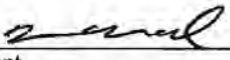
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF WYANDOTTE) SS:

Comes now ROBERT KARL, of lawful age, sound mind and upon his/her oath states as follows:

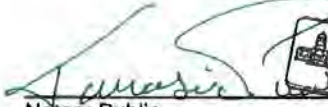
1. That I am the petitioner for Petition # COZ2023-033
2. That I conducted a neighborhood meeting on 29 JANUARY 2024
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of January, 2007 2024.

My commission expires 09 of 02, 2007 2024


Notary Public



MINUTES:

Application Number: COZ2023-033

Date and Location: 29 Jan 2024 @ 3619 N 67th St, KCKS, 66104

Meeting called to order at: 6:30PM

Names of people in attendance:

Name (Print)

Street Address (XXXX Streetname)

Signature

Jimmy Yang 6634 Senell ave Jimmy Yang

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

COZ2023-033 - Communications from Neighbors – as of 30 January 2024

Neighbors who have expressed concerns and would not support the rezoning:

- None, no neighbors have voiced opposition to the change.

Neighbors who are supportive and have verbally or in person conveyed that support:

- Jimmy Yang – supportive, with in-person verbal message
- Lerona Carreon and Family – supportive, with in-person verbal message
- Sherry Herriott – supportive
- John Laudner – supportive and included a Letter of Support (found in materials provided)
- Chue Yang and Toua Yang – supportive, with in-person verbal message
- Joanna Karl and Family – supportive, with in-person verbal message

Introductions:

29 Jan 2024

Presentation by applicant: Explanation of Rezone request and Summary of presentation.
Reviewed the purpose of the rezone, what we plan to do, how many animals, disposal and absorption, drainage and contours, as well as how the baseball property will be used.

Purpose: Rezone 10 acre property from Residential to Agriculture to allow for additional accessory buildings for Ag use, livestock, and ability to sell excess produce from the property. In essence, a small family farm.

Animals: Start off with 2-3 Dwarf Nigerian goats. 2 of which would be dairy, and 1 wether. Chickens to support a family of 4. Long-term, add meat goats to the neighboring baseball field. Convert dugout to loafing shed.

Equipment and Accessory Building: House future tractor, attachments, place to repair equipment out of the weather, storage for grains/feed and hay, and other general ag purposes. There will be no storage of recreational vehicles (boats, etc).

Paths and Drainage: Main driveway to house sufficiently covered in gravel. Large roundabout to be cleaned up to mitigate erosion. Conservation District to aid in drainage of Goat liquid waste. All hard waste to be composted in an area protected and away from water sources.

After the presentation, he wanted to know if the process required anything from him, to which we answered no (more detail below). We talked about playing at the ballfield, I asked if he had any complaints about the current state of the baseball field property and then we adjourned.

Questions and answers:

Q1: Jimmy Yang, 6634 Sewell Ave:

Will your rezone to AG increase our property taxes?

A1: Robert Karl, Petitioner:

No, our property rezone will not increase your property taxes.

Q2: Jimmy Yang, 6634 Sewell Ave:

Is there anything you need from us?

A2: Robert Karl, Petitioner:

Nothing required unless you wanted to bring your family and play with goats or on the ballfield. Just give us a call and we can meet up.

Q3: Robert Karl, Petitioner:

Do you have any complaints with the current state of the baseball field property?

A3: Jimmy Yang, 6634 Sewell Ave:

No, but we appreciate the work you have done to clean it up and make it look better than it was.

Meeting adjourned at: 6:50PM

Minutes taken by: Robert Karl

January 22, 2023

To Whom It May Concern:

RE: COZ2023-033

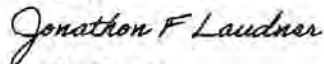
I am writing in support of COZ2023-033 for the rezoning of the property at 6815 Cernech Rd from R-1 to A-G.

My wife and I live adjacent to the property at 6815 Cernech Rd, Kansas City, Kansas. We are in favor of the rezoning application by Mr. Karl and his family, from R-1 Residential to A-G Agriculture. We support the Karl family's wishes for the property, including their desire to raise livestock and build the necessary infrastructure to support their livestock.

In 2022 we rezoned our property at 6840 Cernech Road, across the street from the property in this rezoning application, from R-1 to A-G, for similar reasons to the Karl family - to support livestock. We found the process easy and the Department of Planning & Urban Design staff to be incredibly helpful in the process. I encouraged Robert to seek rezoning as soon as possible when I learned of their purchase of the property and am looking forward to this application being approved and the Karl family moving in across the street from us.

Thank you for your time and please approve COZ2023-033 to rezone the property at 6815 Cernech Road from R-1 to A-G.

Sincerely,



Jonathon Laudner
6840 Cernech Rd, KCK

From: [Robert S. Karl](#)
To: [Molloy, James](#); [Parker, Janet](#)
Subject: Re: RKarl Neighborhood Meeting COZ2023-033
Date: Tuesday, January 30, 2024 7:25:10 PM
Attachments: [image001.jpg](#)

You don't often get email from rskgeog@gmail.com. [Learn why this is important](#)

Thank you for the update James.

Janet,

I made sure I was available today just in case some folks did not get the message and came to the neighborhood meeting originally slated for the 30th of Jan. Nobody came, however, around 6pm a neighbor called by phone saying she would not be able to make it and had a couple of questions. I include those questions as follows:

Q1: Lorene Coleman, 6635 Cernech Rd, asked:
Will this AG request result in my property and personal property taxes to increase?

A1: Robert Karl responded:
No, the property rezone will not increase your property or personal property taxes.

Q2: Lorene Coleman, 6635 Cernech Rd, asked:
Will the rezone change my zoning and others in the area?

A2: Robert Karl responded:
No, rezoning is property specific and will not change the zoning of other properties.

Ultimately, she was fine with us rezoning to AG, appreciated the responses to her questions, and was aware of the property location. These are the updates from today.

Thank you,

Robert Karl

On Tue, Jan 30, 2024 at 12:59 PM Molloy, James <jlmolloy@wycokeck.org> wrote:

Robert,

Thank you for sending this over, your case will be on the February agenda!

Thank You,

James

Date: 1/12/2024

Name: _____

Address: _____

Kansas City, KS 66104

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department #COZ2023-033.

The purpose of this letter is to inform you that a **change of zone** request was submitted for 6815 Cernech Rd, Kansas City, KS 66104. This would be a change from the current Residential (R-1) to Agriculture (A-G).

I am having a neighborhood meeting, per UG code, on Tuesday the 30th of January at 6:30 p.m. at the following address: 3619 N 67th St, Kansas City, KS 66104.

The purpose of this meeting is to explain the proposal of this Zone Change and to answer any questions and/or concerns you may have. I would like to make you aware, in this letter, why the proposed zone change was requested.

Our family desires to have a small family farm, often called a Homestead, where we can have a couple milk goats, some chickens, a family garden, and more importantly, more than one out building. As you may be aware, UG code, and most city codes in general only allow for a single out building per Residential property. As we plan on having a Goat barn, Chicken coop, Garage for farm equipment, it is necessary to rezone to allow for the additional Ag related structures as well as additional animals on occasion as the Does have Kids and/or the herd grows. Ag would also allow us to sell the goat kids from the property. We will not be butchering for commercial purposes. At the meeting I will have several slides showing building locations, drainage patterns, etc. As a note, the neighboring baseball field and in particular the larger field in the back, touching the 6815 Cernech Rd property, during times and seasons, will provide ample feed for the goats as well as sufficient distance from residential properties.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the phone number/email listed below.

Sincerely,

Robert Karl
817.980.0570
rskgeog@gmail.com



From: Robert Karl <rskgeog@gmail.com>
Sent: Tuesday, January 30, 2024 12:57 PM
To: Molloy, James <jmolloy@wycokck.org>
Subject: Fwd: RKarl Neighborhood Meeting COZ2023-033

You don't often get email from rskgeog@gmail.com. [Learn why this is important](#)

Hi James,

I reached out to Cheri Miller of WCCD and we will be getting with Tim at the NCRS to schedule a site visit.

I know the messages said to send the neighborhood meeting information to Janet, but I am also forwarding it on to you, just in case.

Sincerely,

Robert Karl

Begin forwarded message:

From: Robert Karl <rskgeog@gmail.com>
Date: January 30, 2024 at 12:05:43 PM CST
To: Janet Parker <jparker@wycokck.org>
Subject: RKarl Neighborhood Meeting COZ2023-033

Hi Janet,

Attached you will find the meeting minutes, comments and questions from neighbors, a letter of Support from a neighbor, and the copy of the notice I sent to neighbors (although the letter mentioned the 30th, I contacted neighbors about moving it to the 29th).

I wanted to get these documents to you following the meeting yesterday (29th of Jan). I still plan on being available tonight, should any neighbors arrive. I will send that info to you tomorrow, but hopefully what is sent today covers the main requirement.

Sincerely,

Robert Karl







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Petition SP2023-078

GENERAL INFORMATION

Applicant:

Andrew Harris with Piper Development Group, Inc.

Status of Applicant:

Representative
7180 West 107th Street, Suite 1
Overland Park, KS 66212

Requested Action:

Approval of a Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

To clean up the property by removing overgrown trees and brush.

Property Location:

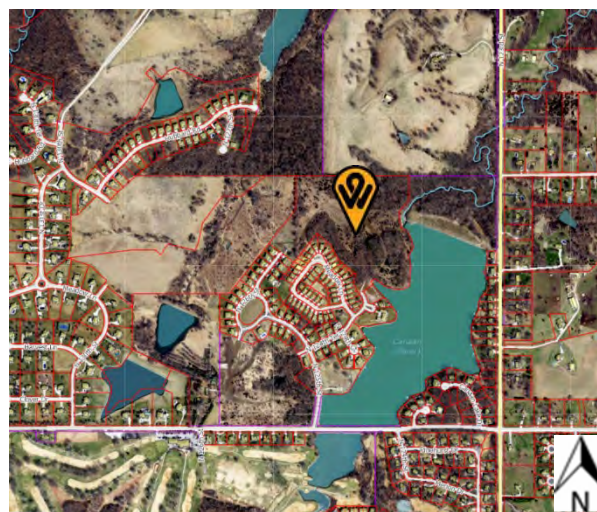
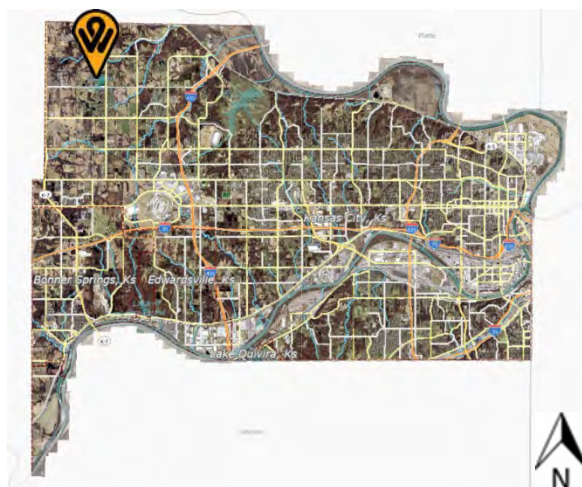
4919 North 126th Street

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #5 Commissioner: Michael Kane

Existing Zoning:

R-1 Single Family District



Adjacent Zoning:	North: A-G Agriculture (WYCO) and R-1 Single Family Districts South: RP-1(B) Planned Single Family District East: A-G Agriculture District (WYCO) West: R-1 Single Family District
Adjacent Uses:	North: Undeveloped, farmland South: Single-family homes East: Piper Lake and earthen dam West: Undeveloped land
Total Tract Size:	27.74 Acres
Master Plan Area:	Prairie Delaware Piper Area Plan
Master Plan Designation:	The Prairie Delaware Piper Area Plan designates this property as Planned Low Density Residential, which allows single-family detached residences ranging in lot size from one-third of an acre to three (3) acres.
Major Street Plan:	The Major Street Plan classifies North 124 th Terrace and North 126 th Street as Local Streets.
Required Parking:	Sec. 27-454(d) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Permanent off-street parking is not being provided as this is a temporary use that will be vacated at the end of each workday.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owner – October 20, 2023, November 7, 2023, December 6, 2023 and January 3, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrew Harris with Piper Development Group, Inc., wants to clean up the property by removing overgrown trees and brush on 27.74 acres at 4919 North 126th Street.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. BSR22-016 – Stop Work Order for land disturbance and lack of erosion control – August 19, 2022.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is suburban and rural in nature with undeveloped land to the north and west. There are single-family residences immediately to the south that have two (2) access points to the proposed site.

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

The zoning and uses of nearby property are set out above. The proposed operation will clean up the property by remaining overgrown trees and brush. The use is temporary in nature and will not be developed as part of this application.

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

There are various scenarios, such as flood events, where this operation and the changes to the landscape, could detrimentally affect nearby property if local, State and Federal rules and regulations are not strictly adhered to.

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

The property has never been developed and is planned as future development for Cannan Lake West Phase 1.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not specifically addressed in the Area Plan. This will change the landscape of the area upon completion of the cleaning up and removing overgrown trees and brush.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The use will increase the amount of vehicular traffic to the site, however, without knowing how many daily truck trips are generated, Staff cannot determine if the use will exceed the capacity of the street network to accommodate it.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not necessary for the convenience and welfare of the public. The appropriate use will be altered slightly as this area's vegetation will be thinned and a portion of the property will not be able to be used except as a passive park and/or open space along Piper Lake due to the floodplain.

Proper civil drawings need to be provided to determine if the area will be thinned or totally cleared.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise, vibration, dust and dirt are all potential effects of this type of use.

9. *Whether the proposed use will pollute the air, land or water.*

There are some significant concerns regarding potential environmental damage from over clearing causing erosion issues and sedimentation entering Piper Lake.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The natural composition of this property will be changed by this use. Removing overgrown trees and overgrown brush could damage or destroy and irreplaceable natural resource as staff does not know the extent of the proposed clearing – if the applicant is proposing to thin the trees and overgrown brush or totally remove trees and grade the property for future development.

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

There is little public gain from this operation. Any hardship from denial seems to be the sole loss of the property owner as they will not be allowed to remove overgrown brush and vegetation at the scale this Special Use Permit calls for.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not expected to be an issue, as the majority clearing of brush and trees will be completed by a small work crew and vehicles will arrive and leave each day.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on October 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Construction/site preparation
Work in the regulatory floodway and floodplain
Landscaping/Screening/Buffering
Visual Impacts
Dust, Noise, and Vibration
Raw damage and debris tracking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-078**, subject to:

- 1. The site is within the regulatory floodway and FEMA floodplain – Zone AE. Prior to any earthen material being brought onto, relocated or removed from the site, a Floodplain Development Permit must be filed with the Building Inspection Division;**
- 2. Hours of operation shall be from 7:00 AM to 5:00 PM;**
- 3. Trucks shall be limited to four (4) trips per month;**
- 4. Any equipment parked overnight on the property must be hidden from public view of the residences;**

5. Restrooms for construction works shall not be in the public right-of-way or near the entrance of the site;
6. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto North 126th Street or North 124th Terrace;
7. The applicant must undertake the following mitigation measures:
 - a. Rumble strips and/or other mitigation measures must be installed at all entry/exit points from the subject properties to the public right-of-way in order to keep dirt and gravel from tracking onto the road; and,
 - b. Dust produced by the earth moving must be kept down and prevented from leaving the airspace of the subject property through the deployment of misters and/or other dust mitigation devices and techniques;
8. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. A Right-of-Way Permit is required for the driveway extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
11. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
12. 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;
13. If issues arise with adjacent property owners and are brought to Staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation;
14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 through Section 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division,

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

15. 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;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. Subject to approval, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-078** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Grading Plan
Site Photographs Provided by Staff on October 11, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-078** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-078** as it is not in compliance with the City Ordinances and as it will not promote the public

health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:36:

SPECIAL USE PERMIT APPLICATION SP2023-078 – ANDREW HARRIS WITH PIPER DEVELOPMENT GROUP - SYNOPSIS: Special Use Permit for grading/removal of earthen fill at 4919 North 126th Street. *Detailed Outline of Requested Action:* The applicant, Andrew Harris with Piper Development Group, Inc., wants to clean up the property by removing overgrown trees and brush on 27.74 acres at 4919 North 126th Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Andrew Harris, applicant, Piper Development Group, 7180 West 107th Street, Suite 1, Overland Park, Kansas 66212

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:41:07: Planning Director Hand stated that the request is for a Special Use Permit for grading resulting from a Stop-Work Order. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor in opposition. The Stop-Work Order will be resolved if approved by the City Planning Commission and subsequently by the Board of Commissioners. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 2:41:42:

On motion by Mrs. Easterwood, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2023-078 for two (2) years:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. The site is within the regulatory floodway and FEMA floodplain – Zone AE. Prior to any earthen material being brought onto, relocated or removed from the site, a Floodplain Development Permit must be filed with the Building Inspection Division;
2. Hours of operation shall be from 7:00 AM to 5:00 PM;
3. Trucks shall be limited to four (4) trips per month;
4. Any equipment parked overnight on the property must be hidden from public view of the residences;
5. Restrooms for construction works shall not be in the public right-of-way or near the entrance of the site;
6. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto North 126th Street or North 124th Terrace;
7. The applicant must undertake the following mitigation measures:
 - a. Rumble strips and/or other mitigation measures must be installed at all entry/exit points from the subject properties to the public right-of-way in order to keep dirt and gravel from tracking onto the road; and,
 - b. Dust produced by the earth moving must be kept down and prevented from leaving the airspace of the subject property through the deployment of misters and/or other dust mitigation devices and techniques;
8. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;

- 10. A Right-of-Way Permit is required for the driveway extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
- 11. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;**
- 12. 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;**
- 13. If issues arise with adjacent property owners and are brought to Staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation;**
- 14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 through Section 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
- 15. 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;**
- 16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**

- 17. Subject to approval, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,**
- 18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

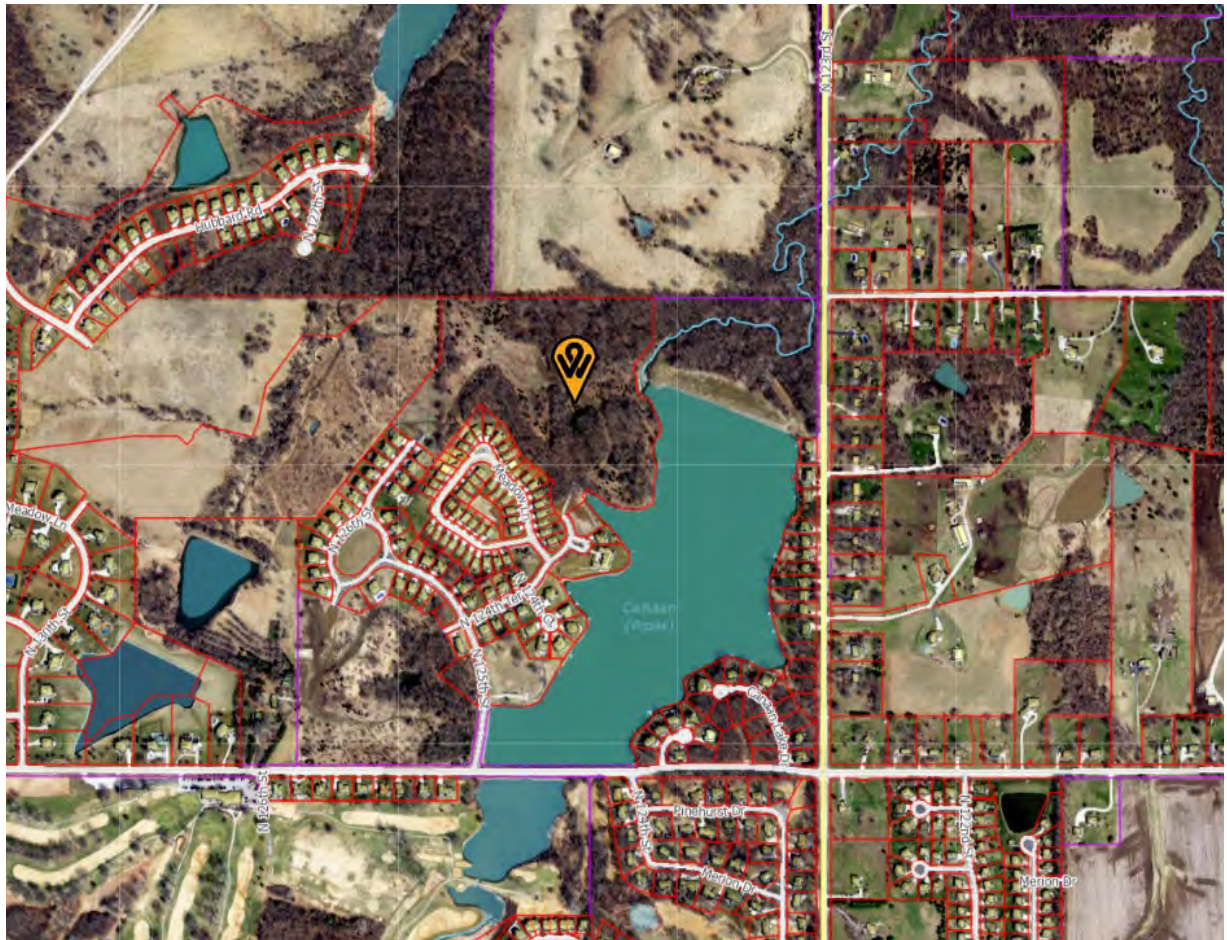


Figure 1. Aerial photograph of 4919 North 126th Street (provided by UG Maps).

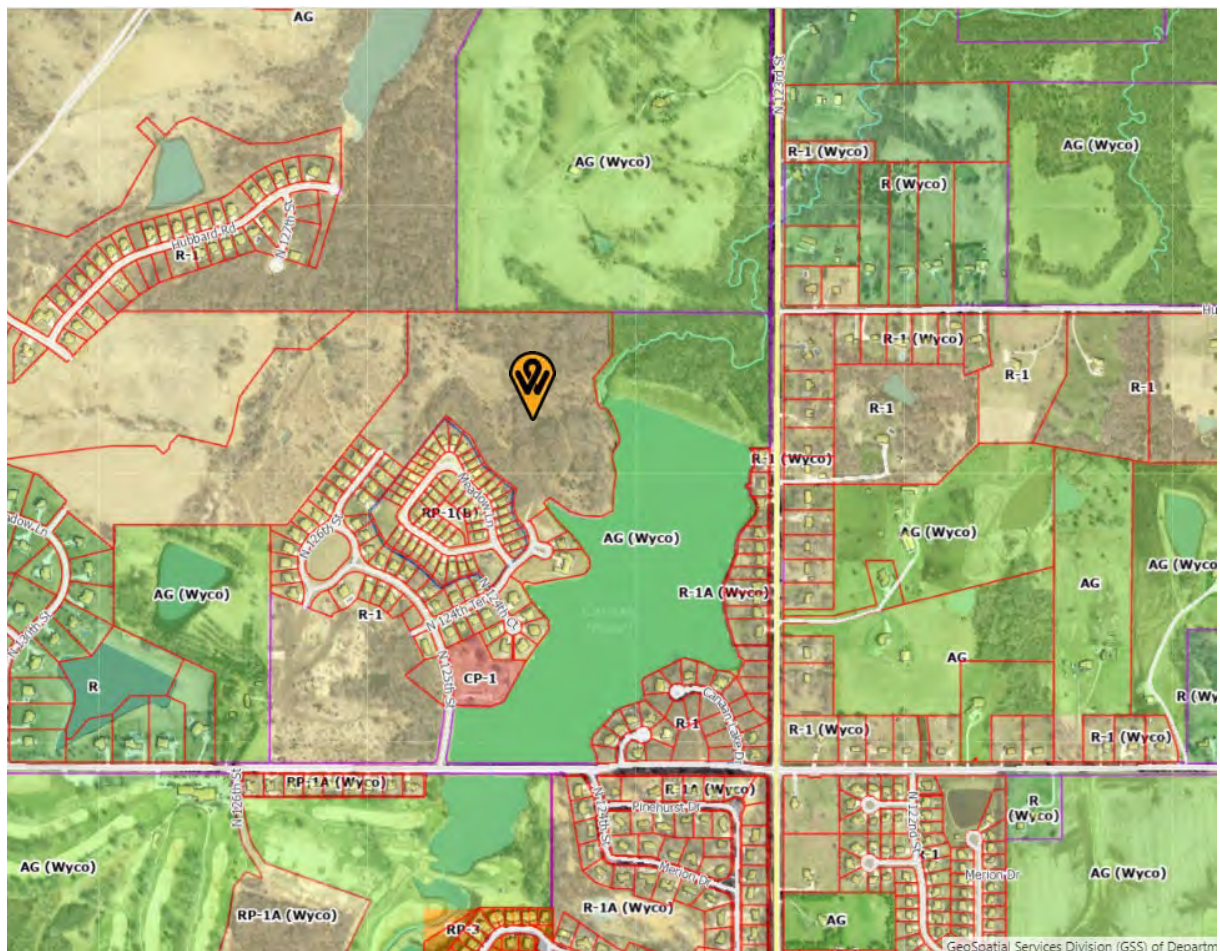


Figure 2. Zoning Map of 4919 North 126th Street (provided by UG Maps).

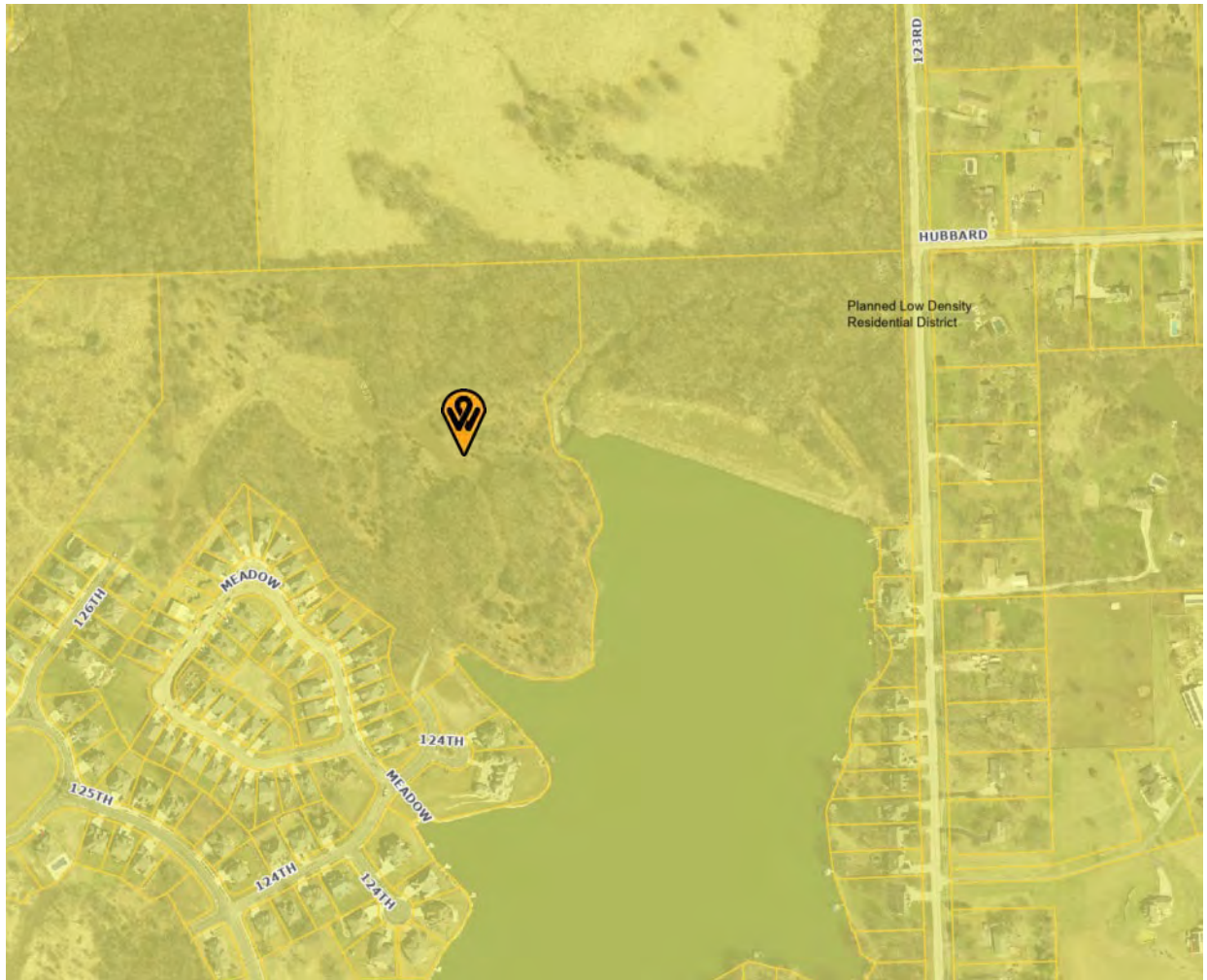


Figure 3. Prairie Delaware Piper Area Plan Land Use Map of 4919 North 126th Street (provided by ArcGIS Pro).

1. The site is within the regulatory floodway and FEMA floodplain – Zone AE. Prior to any earthen material being brought onto, relocated or removed from the site, a Floodplain Development Permit must be filed with the Building Inspection Division. This will be completed once the special use permit is issued.
2. Provide a clear and defined site grading plan that shows the area that is to be graded. That is attached
3. Is this Special Use Permit for “thinning” the tree stand or level and grade everything? Both thinning the trees and level and grading the property
4. What is the site remediation – post completion? Private Park general maintenance.
5. What are the proposed hours of operation? 7:00 am to 5:00 pm
6. How long will the total grading and site clearing project take? 3 years
7. How many daily truck trips will occur on site? 4 per month
8. Is the site preparation for the next housing phase? No, developments plans currently.
9. Where will crew parking during the day? On site, out of site.
10. Will equipment be parked overnight on the property? Yes, on site
11. Will restrooms be provided for construction works, as work trucks will be parked in the vicinity? Yes, all workers will have access to a bathroom.
12. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto North 126th Street or North 124th Terrace. Yes, we will be working with BPU to get water on site once the permit is issued
13. The applicant must undertake the following mitigation measures:
 - a. Rumble strips and/or other mitigation measures must be installed at all entry/exit points from the subject properties to the public right-of-way in order to keep dirt and gravel from tracking onto the road; and, Planning on installing asphalt at entry and on other muddy areas around the property.
 - b. Dust produced by the earth moving must be kept down and prevented from leaving the airspace of the subject property through the deployment of misters and/or other dust mitigation devices and techniques. Once we have access to water, it will be strayed on work areas daily
14. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit. I am working with Byron Toy to provide the UG with all necessary permits.
15. All existing and future driveways must feature curb cuts that are constructed to UG standards. Curb cuts will be reviewed by Public Works department before installation if applicable
16. A Right-of-Way Permit is required for the driveway extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by

info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly. Once the permit is issued, I will contact Ricky Ledgerwood to confirm what is needed.

17. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780. Once approved I will get a business occupation license.

18. 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. We will comply with all requirements of the SWPPP, permits, and licenses

19. If issues arise with adjacent property owners and are brought to Staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation. Currently, we are under a stop work order. We have addressed all of the property owners issues.

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

21. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times 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. All parked vehicles will be on site out of site.

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

23. Subject to approval, the Special Use Permit shall be valid for three 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.

24. 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.

***Piper Development
Group, Inc.***

7180 W 107th St, Ste 1
Overland Park, KS 66212
(913) 710-1067
andrew@pdg-inc.org

October 13, 2023

Piper Development Group, Inc.
7180 W 107th St, Ste 1
Overland Park, KS 66212

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use # SP2023-078. The purpose of this **special use permit** is for grading and removal of earthen fill at the following address:

4919 N. 126th St
Kansas City, KS 66109

We are having a virtual neighborhood meeting powered by ZOOM (See Attached) on October 26, 2023, at 4 p.m.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Drew Harris, Project Manager
andrew@pdg-inc.org
Phone: (913) 710-1067
Fax: (913) 334-6202



**Piper Development
Group, Inc.**

7180 W 107th St, Ste 1
Overland Park, KS 66212
(913) 710-1067
andrew@pdg-inc.org

October 27, 2023

Piper Development Group, Inc.
7180 W 107th St, Ste 1
Overland Park, KS 66212

SUBJECT: Neighborhood Meeting Minutes
APPLICATION NUMBER: #SP2023-078
DATE and LOCATION: October 26, 2023, Virtual Meeting by ZOOM

Meeting called to order at: 4:01 pm

Names of people in attendance: David and Sandra Lowery, Jerry Godell, Dan Murtha, Kevin Steele, Janelle Hendin, Molly Sirridge, Kelly Ziegler, Brad Lightfoot, Erieka King, Reginald King, Harold King, Elise McElhiney, Cory Green, Israel Rubio

Introductions: To open up, Andrew Harris greeted all of the attendees who showed up to the neighborhood meeting. He reviewed the application for the special use permit, location, the handouts sent through the mail and that it was just a continuation of the first phases of grading and removal of earthen fill.

Questions and answers:

1. Q1 – Andrew Harris asked about the dust control from the projects.
A1 – Andrew Harris answered that water will be sprayed around the work area to keep the dust down.
2. Q2 – Andrew Harris asked about debris and trash around the Piper Lake Community from our various projects.

A2 – Andrew Harris answered that he personally drives around the Community to monitor all trash, issues, and concerns from our projects.

3. Q3 – Dan Murtha asked why property stakes were installed by his yard a month ago.

A3 – Andrew Harris answered that the stakes were to mark off areas to eventually address the water runoff issues on the north west hill.

4. Q4 – Elise McElhiney asked about the standing water behind her house and will this project address that issue.

A4 – Andrew Harris answered that the culvert install, and erosion will be addressed to move the standing water behind her home.

5. Q5 – Elise McElhiney asked about how much clearing off of trees will occur, or will it be limited to the dead bushes and trees.

A5 – Andrew Harris answered that our focus will be more on removal of dead trees and bushes. The healthy trees will stay, and the property will not be a flat piece of property.

6. Q6 – Sandra Lowery asked about the existing erosion control and the current state of the “bare” grounds, and will it be seeded for grass.

A6 – Andrew Harris answered that we were only in the middle of the clearing off process when the stop work order was issued, and once that is lifted, we will remove all of the erosion out of the lake and once that mass is dry, a final grade and seed will be on the grounds and a sea wall will be installed.

7. Chat Comment – Harold King typed in the chat for a quick review about the project related to the application for the special use permit.
Chat Response – Andrew Harris gave a brief overview of what was initially done when Piper Development Group acquired the property and the lots for sale.

8. Chat Comment – Harold King typed about history behind the stop work order issued by the Unified Government.

Chat Response – Andrew Harris gave a brief overview that the Community of Piper Lake reported many complaints to the Unified Government and the UG felt it was best that we apply for a Special Use Permit to get all misunderstands and concerns address properly.

9. Verbal Comments – Kevin Steele and Andrew Harris had a fun conversation to say “Hi,” and had generally fun conversation that has nothing to do with the Special Use Permit.

10. Verbal Comments – Molly Sirridge and Andrew Harris had a fun conversation she wanted to say “Thank You” for all of the communication and meeting. Terry Sirridge said “HI” and Corky said “HI” and we had many fun conversations.

11. Andrew Harris had many other various conversations with other attendees unrelated to the Special Use Permit.

Meeting adjourned at: 4:46pm

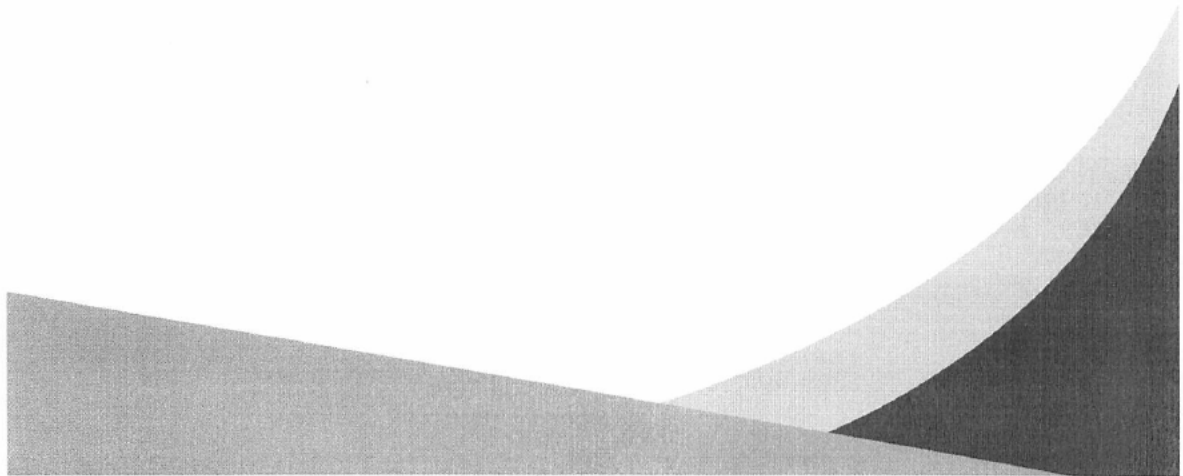
Minutes taken by:

Andrew Harris, Project Manager

andrew@pdg-inc.org

Phone: (913) 710-1067

Fax: (913) 334-6202



AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
) SS:
COUNTY OF _____)

Comes now **Andrew Harris – Piper Development Group**, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for **Petition #SP2023-078**.
2. That I conducted a neighborhood meeting on **October 26, 2023**.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

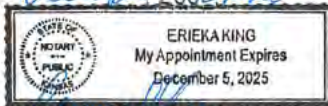
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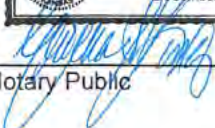


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of October, 2023

My commission expires 5th of December, 2002025





Notary Public





4919 N 126TH STREET
KANSAS CITY KS 66109
PIPER LAND CLEAN UP
PLAN

SHEET NO.
3 of 4

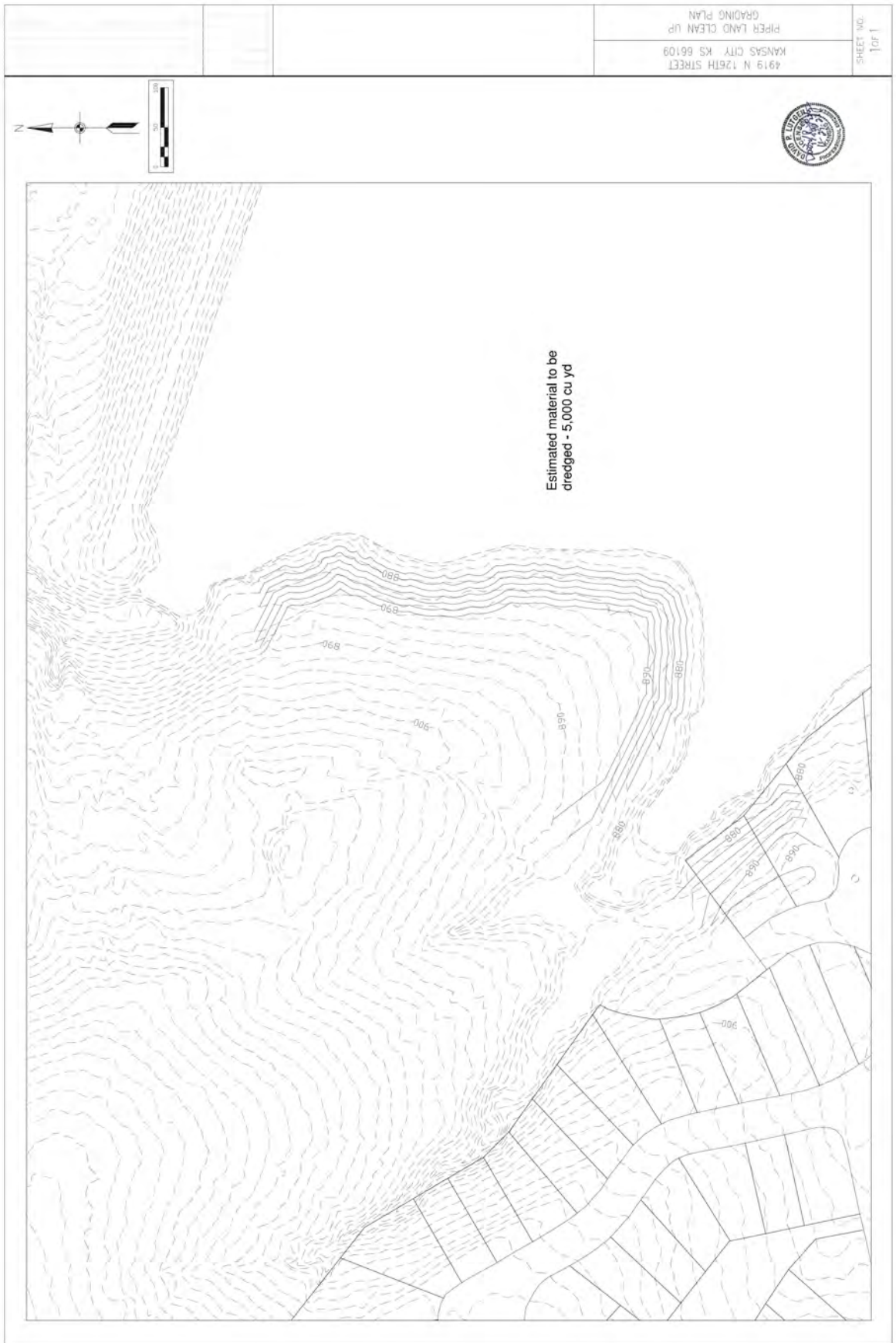




Figure 4. Site photograph of 4919 North 126th Street looking north from North 124th Terrace (provided by Planning Staff).



Figure 5. Site photograph of 4919 North 126th Street looking northeast from North 124th Terrace (provided by Planning Staff).



Figure 6. Site photograph of 4919 North 126th Street looking north from North 124th Terrace (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Special Use Petition SP2023-096

GENERAL INFORMATION

Applicant:

Sandra Coleman and Michelle Brown

Status of Applicant:

Property Owners
2817 North 81st Court
Kansas City, Kansas 66109

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

August 30, 2023

Purpose:

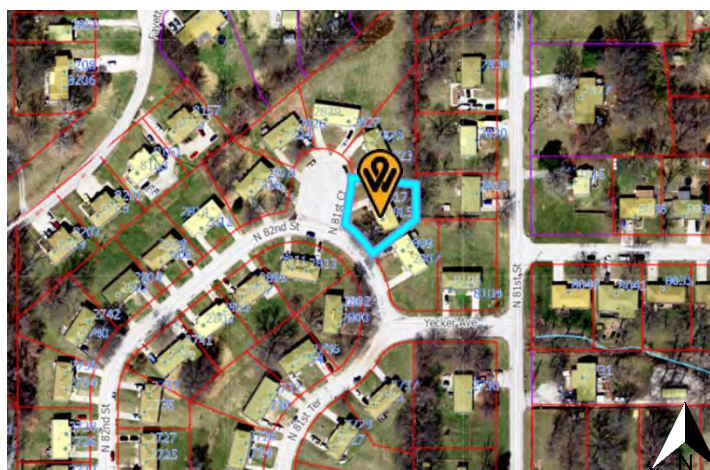
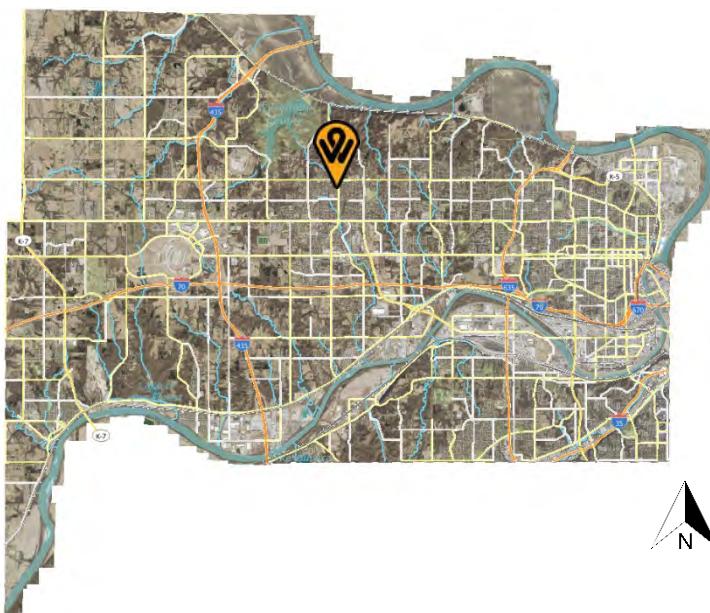
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

2817 North 81st Court
Kansas City, Kansas 66109

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane



Existing Zoning:	R-2 Two-Family District
Adjacent Zoning:	North: R-2 Two Family District South: R-2 Two Family District East: R-1 Single Family District West: R-2 Two Family District
Adjacent Uses:	North: Duplex South: Duplex East: Single-family residence West: Duplex
Total Tract Size:	0.24 Acre
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates the property as Low-Density, which allows for single-family residences.
Major Street Plan:	The goDotte Mobility Plan designates North 81 st Court as a Local/Neighborhood Street.
Parking Requirement:	Section 27-456(e) states “Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit, at least one (1) of which shall be in a garage or carport”. The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023, November 7, 2023, December 6, 2023 and January 11, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Michelle Brown and Sandra Coleman, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2815 North 81st Court. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2800 block of North 81st Court.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Victory Hills Statistical Neighborhood and the Leavenworth Road Association. The neighborhood consists primarily of single-family residences and duplexes on medium sized lots.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1 Single-Family District and R-2 Two Family District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a duplex. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is not vacant and has been utilized as a rental, including an unpermitted short-term rental as well as the property owner's primary residence.

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

Special Use Permits are not addressed in the City-Wide Comprehensive Plan. The City-Wide Comprehensive Plan designates the subject property as Low-

Density Residential, which allows for single-family residences. The use as a short-term rental conforms to the Area Plan with a Special Use Permit, however, use as a duplex does not meet the Comprehensive Plan designation.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of North 81st Court, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous Planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant has not hosted a neighborhood meeting to staff's knowledge.

KEY ISSUES

Home Inspection Report
Illumination
Noise
Operating without a Special Use Permit
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2023-096**, **as the applicant did not host a neighborhood meeting, post proper notice on the subject property, or respond to Staff Comments and Suggestions.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2023-096** subject to all comments and suggestions outlined in this staff report, and the reasons listed by the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – City-Wide Comprehensive Plan
Site Photos, Taken by Staff, October 19, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Denial	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-096**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-096** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:50:32:

SPECIAL USE PERMIT APPLICATION SP2023-096 – SANDRA COLEMAN -

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 2815 North 81st Court. *Detailed Outline of Requested Action:* The applicants, Michelle Brown and Sandra Coleman, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2815 North 81st Court. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2800 block of North 81st Court.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:51:45: Planning Director Hand stated that the application was filed last September 2023, and the applicant has been unresponsive to Staff. A neighborhood meeting has not been held so the only action that could be taken by the Commission tonight is to hold over the application or recommend denial. Staff recommends denial for the reasons listed in the staff report.

Motion starts at 2:52:17:

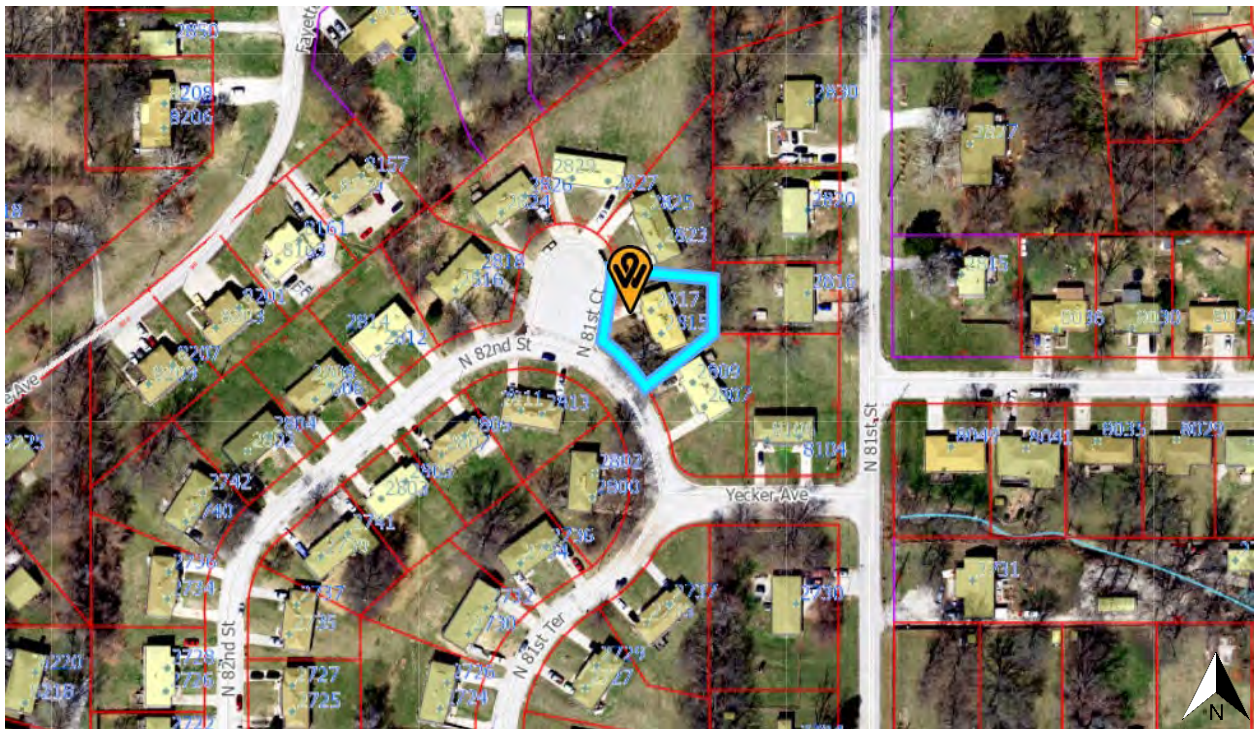
On motion by Mr. Beth, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend DENIAL** of Special Use Permit **SP2023-096** as the **applicant did not host a neighborhood meeting, post proper notice on the subject property, or respond to Staff Comments and Suggestions:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

Motion to recommend **DENIAL** Passed: 8 to 0

ATTACHMENTS

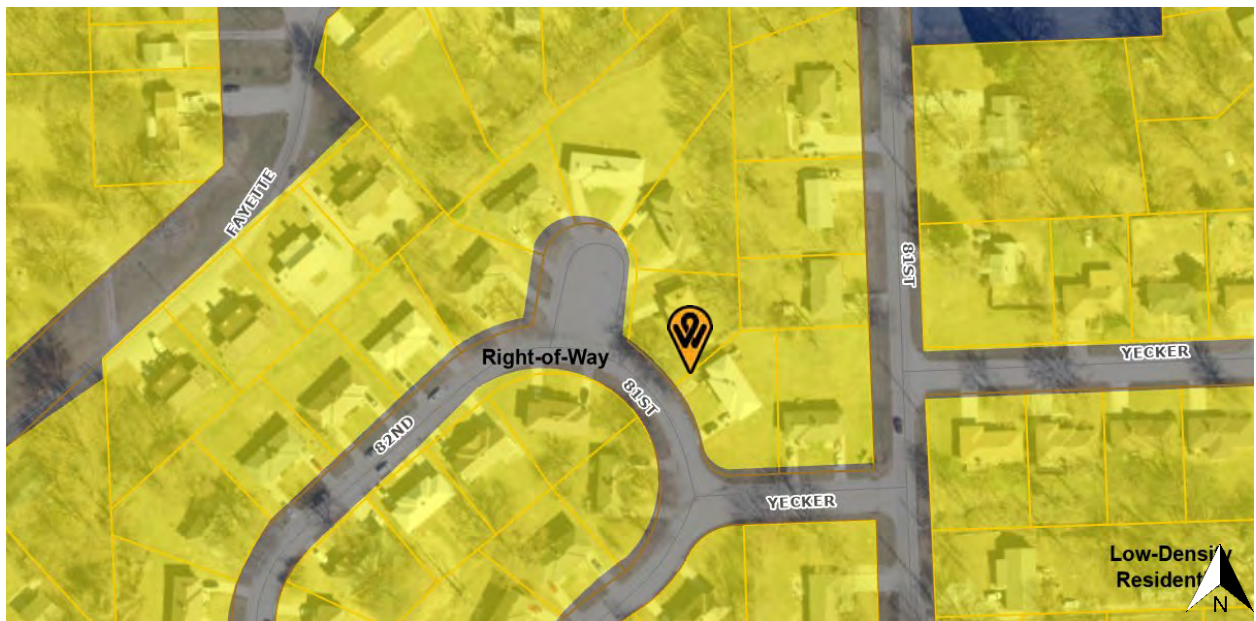
AERIAL IMAGERY



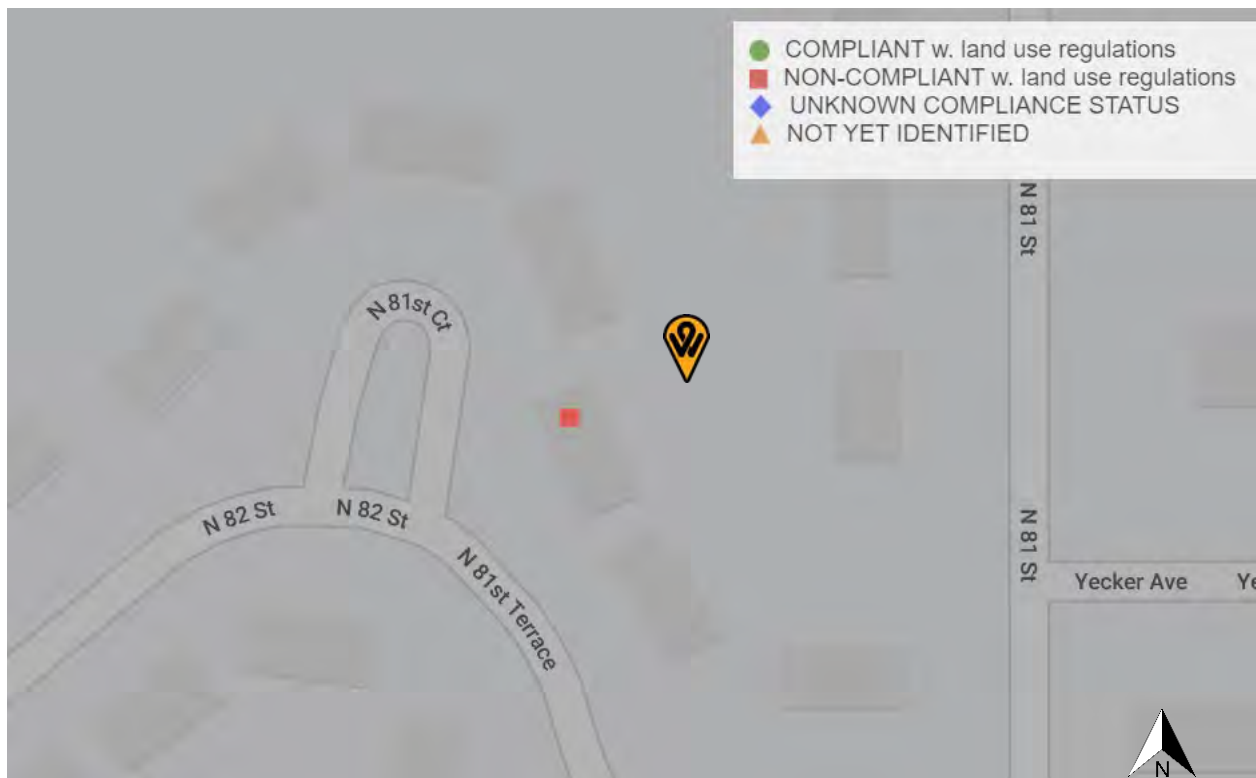
ZONING MAP



LAND USE MAP – CITY-WIDE COMPREHENSIVE PLAN



HOST COMPLIANCE MAP – OCTOBER 19, 2023







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Special Use Petition SP2023-103

GENERAL INFORMATION

Applicant:

Juan Carlos Maldonado

Status of Applicant:

Property Owner
4936 Waverly Avenue
Kansas City, Kansas 66106

Requested Action:

Approval of a Special Use Permit.

Date of Application:

October 27, 2023

Purpose:

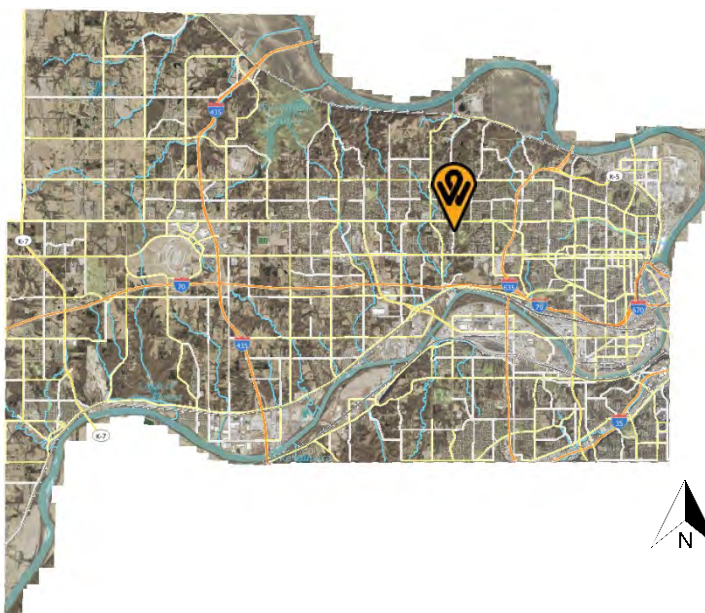
To approve a Temporary Use of Land Special Use Permit to keep a semi-truck on the property.

Property Location:

4936 Waverly Avenue
Kansas City, Kansas 66106

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Philip Lopez



Existing Zoning:	R-1 Single-Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.20 Acre
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Low-Density Residential, which allows for single-family homes.
Major Street Plan:	The goDotte County-Wide Mobility Plan designates Waverly Avenue as a Local/Neighborhood Street.
Parking Requirement:	Section 27-454(e) states “two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport” The property provides three (3) parking spots, with one (1) in the garage.
Advertisement:	<u>The Wyandotte Echo</u> – November 16, 2023 Letters to Property Owners – November 17, 2023, December 6, 2023, and January 11, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	There was one (1) person that spoke in support at the February 12, 2024 City Planning Commission meeting.
Public Opposition:	There was eight (8) people that spoke in opposition at the February 12, 2024 City Planning Commission meeting along with two (2) letters received in opposition.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Juan Carlos Maldonado, is requesting a Temporary Use of Land Special Use Permit to keep a semi-truck at their primary residence at 4936 Waverly Avenue.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. 2023 – ENV23-1423 – Environmental – Semi-Truck Parked on the Property
2. 2023 – CMP23-0817 – Complaint - Semi-Truck Parked on the Property

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Bethel-Welborn Statistical Neighborhood, The Block Hawks Neighborhood Group and the Leavenworth Road Association (LRA) group. The neighborhood consists almost exclusively of single-family homes.

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

The zoning and uses are set out above. The proposed use is not compatible with nearby uses. The neighborhood consists primarily of single-family residences and zoning, which allows for single-family homes, rather than parking of commercial vehicles.

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

The property is not suitable to be used for parking a semi-truck as it is an existing single-family residence in a neighborhood consisting primarily of single-family residences with no commercial truck parking located within the neighborhood.

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

The property is not vacant. It is the applicant's primary residence.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the City-Wide Comprehensive Plan, which designates the subject property as Low-Density Residential, which allows for single-family homes. The proposed use does not conform to the Comprehensive Plan, with or without a Special Use Permit, as it is a high-intensity commercial use being proposed in the middle of an established single-family neighborhood.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use will inherently increase traffic in the neighborhood, particularly heavy truck traffic, as the proposed use is to park a semi-truck on the property. While the proposed use won't increase traffic to the point it exceeds the capacity of the roadway to accommodate it, the use proposes to bring large truck traffic onto a residential roadway on a regular basis. This may create conflicts with the residential nature of the roadway and neighborhood.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience or welfare of the public as it only serves the convenience of the property owner. The proposed use may impact the visual quality, use and marketability of adjoining properties, as this is a high-intensity commercial use being placed within an established, exclusively single-family neighborhood. Additionally, the parking for this use in the front front-yard, in a prominent location, to where it cannot be hidden from view.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise, smell and vibration are common issues with this type of use, as semi-trucks are loud, produce exhaust fumes and at times can create a "rumbling" sensation to nearby structures. This may create conflicts with nearby property owners.

9. *Whether the proposed use will pollute the air, land or water.*

The use may pollute the air in the neighborhood, as a semi-truck can produce higher amounts of exhaust fumes than a typical vehicle would. The use,

however, should not pollute the land or water if managed and maintained properly while parking in the driveway.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use would not damage or destroy an irreplaceable natural resource, as it is in an existing built-out residential neighborhood.

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

There would be no gain to the public health, safety, or welfare with the proposed use. If denied, the property owner would have to find an applicable commercial or industrial location to park the truck, rather than parking it at their personal residence.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use may result in the overcrowding of land, as it proposed to park a large, commercial semi-truck in a front-yard driveway designed for passenger vehicles. Undue concentrations of population is not expected to be an issue with the proposed use.

PREVIOUS ACTIONS

There have been no previous Planning Entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 25, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Noise
Smell
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2023-078**, for the following reasons:

1. The proposed use is of an industrial nature, which does not match the character of the exclusively single-family residential neighborhood and thus, does not meet Factor #1;
2. The proposed use does not meet Factor #2 as it is of an industrial nature, for the parking of a semi-truck. This does not match the nearby zoning and uses, which is R-1 Single-Family and consists of almost exclusively single-family homes;
3. The proposed use does not meet Factor #3, as it seeks to park a semi-truck on a single-family parcel. The property is not suitable to be used for this inherently industrial use. Additionally, the proposed use will inherently impact nearby property;
4. The proposed use does not meet Factor #5. While Special Use Permits are not addressed in the Comprehensive Plan, the comprehensive plan designates the property as Low-Density Residential, which allows for Single-Family Residences. The proposed use is Industrial in nature and is not compatible with the Comprehensive Plan;
5. The proposed use does not meet Factor #6. The use seeks to park a semi-truck on a single-family parcel in an exclusively single-family neighborhood. Bringing a large commercial semi-truck onto a designated local/neighborhood street will exceed the capacity of the street, as it was not designed to regularly have industrial traffic on it;
6. The proposed use does not meet Factor #7. The use is not reasonably necessary as it only serves the convenience of the property owner while negatively the use, visual quality and marketability of nearby property, as it is imposing an industrial use in a single-family neighborhood;
7. The proposed use does not meet Factor #8. As the proposed use to park a semi-truck on the property, issues such as noise and vibration will be inevitable, in addition to issues such as dust, smell of fumes, and illumination;
8. The proposed use does not meet Factor #9, as the use will inherently pollute the air, as semi-trucks produce much more exhaust than a regular passenger vehicle or a smaller work van will;
9. The proposed use does not meet Factor #11. The use provides no gain to the public health, safety or welfare and only serves the convenience of the property owner, while imposing issues such as noise and fumes onto the community as well as impacts to the visual quality of the neighborhood; and,
10. The proposed use does not meet Factor #12. The presence of a semi-truck on a property designed as a single-family residence and designed for passenger vehicles will inherently create a condition of overcrowding, even with an expanded driveway.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2023-103** subject to all comments and suggestions outlined in this staff report, and the reasons listed by the City Planning Commission.

If the Board of Commissioners choose to **APPROVE** Petition SP2023-103, Staff recommends the following conditions:

1. The applicant shall install landscaping in the form of bushes, shrubs, and hedges along the west and east sides of the property to properly screen the truck from neighboring properties;
2. Any spills or leaks from the semi-truck must be cleaned immediately;
3. The semi-truck is not allowed to be parked on the street under any circumstance. If the truck cannot be parked on the driveway, it shall be removed from the property entirely;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
5. All exterior lighting, whether mounted on a building or within a parking lot 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;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval 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. 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;

- 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. There will be no renewals allow for this Special Use Permit;**
- 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; and,**
- 15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Photos, Taken by Staff, November 10, 2023
Letters in Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Denial	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-103**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-103** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:53:20:

SPECIAL USE PERMIT APPLICATION SP2023-103 – JUAN CARLOS MALDONADO

- **SYNOPSIS:** Special Use Permit for the Temporary Use of Land to keep a semi-truck at the residence at 4936 Waverly Avenue. Detailed Outline of Requested Action: The applicant, Juan Carlos Maldonado, is requesting a Temporary Use of Land Special Use Permit to keep a semi-truck at their primary residence at 4936 Waverly Avenue.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Recording Secretary Parker stated that she received two (2) emails in opposition this afternoon.

Present in Support:

- Mr. and Mrs. Juan Maldonado, 4936 Waverly Avenue, Kansas City, Kansas 66104
- Robert Karl, 3619 North 67th Street, Kansas City, Kansas 66104

Present in Opposition:

- James Martin, 4927 Waverly Avenue, Kansas City, Kansas 66104
- Tammy Scott, 4917 Waverly Avenue, Kansas City, Kansas 66104
- Benita Johnson, 4937 Haskell Avenue – Secretary Parker stated she submitted an email in opposition
- Glenda Hughes, Secretary Parker stated she submitted an email in opposition
- Sandy Ziolo, President of Block Hawks Neighborhood Watch, 5047 Haskell Avenue, Kansas City, Kansas 66104
- Michael Scott, 4917 Waverly Avenue, Kansas City, Kansas 66104
- Marlene Bouray, 4636 Greeley, Kansas City, Kansas 66104
- George Peoples, 5019 Waverly Avenue, Kansas City, Kansas 66104
- Monica Moses, 5022 Waverly Avenue, Kansas City, Kansas 66104

Staff Recommendation starts at 3:11:15: Planning Director Hand stated that the Special Use Permit is for the Temporary Use of Land to keep a semi-tractor trailer on the property, which is for a two (2) year period maximum. The intent is to give the property owner time to find a permanent solution elsewhere. The property is in the PlanKCK area. Staff received no letters in support and the two (2) letters received this afternoon in opposition. There are Notices of Violation on the property that prompted this Special Use Permit case. Staff recommends denial of this application for the reasons listed in the staff report. There are conditions of approval in the staff report if the Commission moves the application forward with a recommendation of approval.

The Planning Commission directed questions to Staff.

Motion starts at 3:13:20:

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP2023-103:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

Motion to recommend **DENIAL** Passed: 8 to 0

For the following reasons:

1. The proposed use is of an industrial nature, which does not match the character of the exclusively single-family residential neighborhood and thus, does not meet Factor #1;
2. The proposed use does not meet Factor #2 as it is of an industrial nature, for the parking of a semi-truck. This does not match the nearby zoning and uses, which is R-1 Single-Family and consists of almost exclusively single-family homes;
3. The proposed use does not meet Factor #3, as it seeks to park a semi-truck on a single-family parcel. The property is not suitable to be used for this inherently industrial use. Additionally, the proposed use will inherently impact nearby property;
4. The proposed use does not meet Factor #5. While Special Use Permits are not addressed in the Comprehensive Plan, the comprehensive plan designates the property as Low-Density Residential, which allows for Single-Family Residences. The proposed use is Industrial in nature and is not compatible with the Comprehensive Plan;
5. The proposed use does not meet Factor #6. The use seeks to park a semi-truck on a single-family parcel in an exclusively single-family

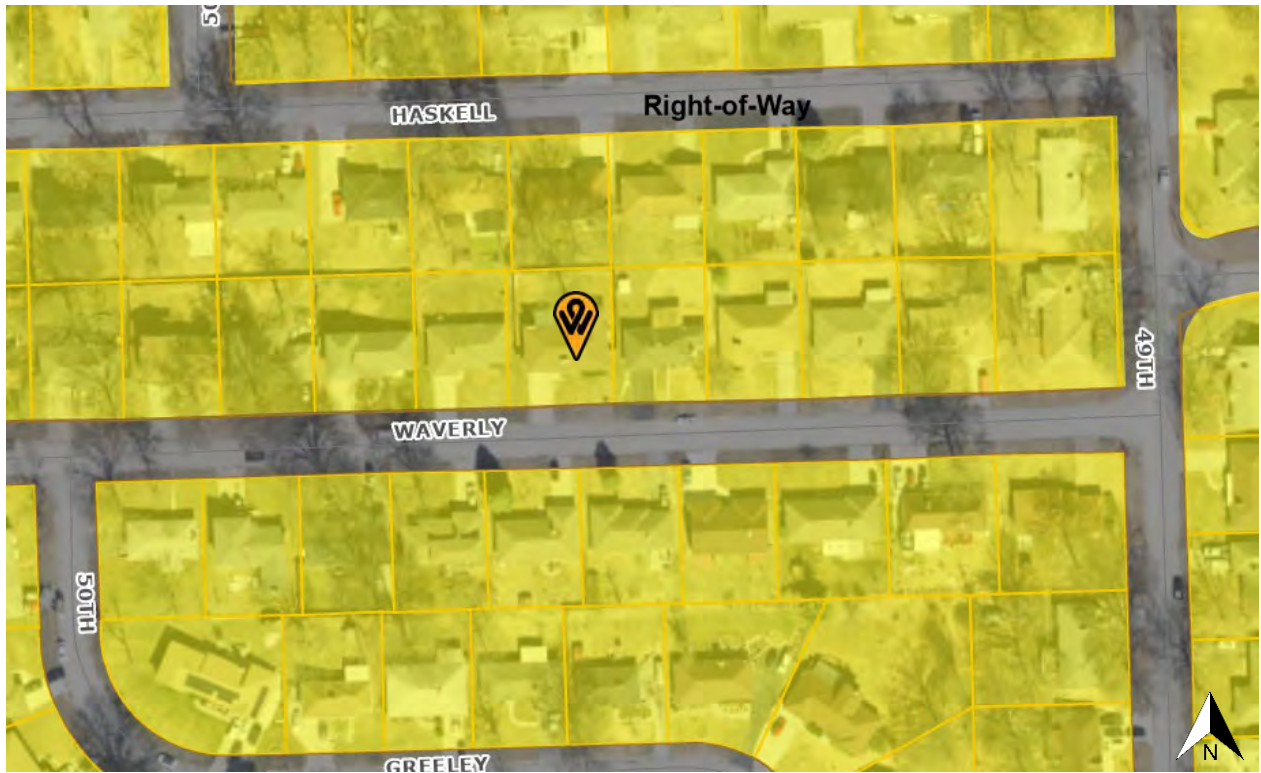
- neighborhood. Bringing a large commercial semi-truck onto a designated local/neighborhood street will exceed the capacity of the street, as it was not designed to regularly have industrial traffic on it;
6. The proposed use does not meet Factor #7. The use is not reasonably necessary as it only serves the convenience of the property owner while negatively the use, visual quality and marketability of nearby property, as it is imposing an industrial use in a single-family neighborhood;
 7. The proposed use does not meet Factor #8. As the proposed use to park a semi-truck on the property, issues such as noise and vibration will be inevitable, in addition to issues such as dust, smell of fumes, and illumination;
 8. The proposed use does not meet Factor #9, as the use will inherently pollute the air, as semi-trucks produce much more exhaust than a regular passenger vehicle or a smaller work van will;
 9. The proposed use does not meet Factor #11. The use provides no gain to the public health, safety or welfare and only serves the convenience of the property owner, while imposing issues such as noise and fumes onto the community as well as impacts to the visual quality of the neighborhood; and,
 10. The proposed use does not meet Factor #12. The presence of a semi-truck on a property designed as a single-family residence and designed for passenger vehicles will inherently create a condition of overcrowding, even with an expanded driveway.

Planning Commissioner Mohler left the meeting at 9:25 p.m.

AERIAL IMAGERY



LAND USE MAP



NEIGHBORHOOD MEETING MINUTES

4936 WAVERLY AVE MEETING

PROJECT: Neighborhood meeting

MEETING DATE: November 25, 2023

FACILITATOR: Juan Carlos Maldonado

LOCATION: 4936 waverly ave, kanas City, KS

FIRST NAME	LAST NAME	ADDRESS	PHONE	EMAIL	SIGNATURE
Sandy	Ziolo	5047 HASKEL	913-515-0416	stebecm@gmail.com	Sandy Ziolo
Tina	Scott	4917 Waverly	816-510-7969	sentinel87@gmail.com	Tina Scott
Michael	Scott	4917 Waverly	516-810-1007	11	Michael Scott
TV	Bradley	5016 Waverly	913-747-2226	none	TV Bradley
Van	Bradley	71	11	none	Van Bradley
Chinera	Lee	4930 Waverly	323 308 0905	chineralee@gmail.com	Chinera Lee
Trauen	Jones	5004 Waverly	913-228-5083	newjones1997@gmail.com	Trauen Jones
George	Peck	4911 Waverly	(913) 293-4351	none	George Peck
Frederick	Peck	4911 Waverly	(913) 293-4351	NONE	Frederick Peck
Monice	Moss	5022 Waverly	913-529-9707	mm	Monice Moss
Benta	Johnson	4937 Waverly	913-950-9111	bentajohnson@gmail.com	Benta Johnson
James	Martini	4927 Waverly	913-620-2165		James Martini
Pamela	Hollins	4930 Waverly	323 308 0905	Pamela.hollins@aol.com	Pamela Hollins
Marlene	Bouray	4636 Greeley Ave	913-699-1787	neighborgoodcase@gmail.com	Marlene Bouray
Larry	Orlino	5015 Greeley	913-485-1582	elcee@b.com	Larry Orlino

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Suan Maldonado Prieto of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-103
2. That I conducted a neighborhood meeting on 11/25/2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

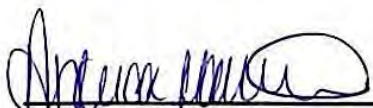
Further affiant saith not.



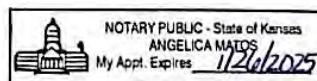
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1 day of December, 2023

My commission expires 26 of January, 2025



Notary Public



SITE PHOTOS, TAKEN BY STAFF, DATED NOVEMBER 10, 2023



From: Glenda Hughes <glendahughes29@gmail.com>
Sent: Monday, February 12, 2024 3:30 PM
To: Parker, Janet <jparker@wycokck.org>
Subject: 4939 Waverly

I opposed the special use permit of temporary use of land to keep semi-truck at residential land at 4939 Waverley KCK.

From: Benita Johnson <benitajohnson@icloud.com>
Sent: Monday, February 12, 2024 2:00 PM
To: Parker, Janet <jparker@wycokck.org>
Subject: Denial of semi-truck permit

[You don't often get email from benitajohnson@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I Benita Johnson of 4937 Haskell Ave oppose the special use permit at 4936 Waverly KCK for keeping his Semi Truck at his resident of 4936 Waverly kck



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Special Use Petition SP2023-108

GENERAL INFORMATION

Applicant:
Marcos Oliva

Status of Applicant:
Property Owner
515 Garfield Avenue
Kansas City, Kansas 66102

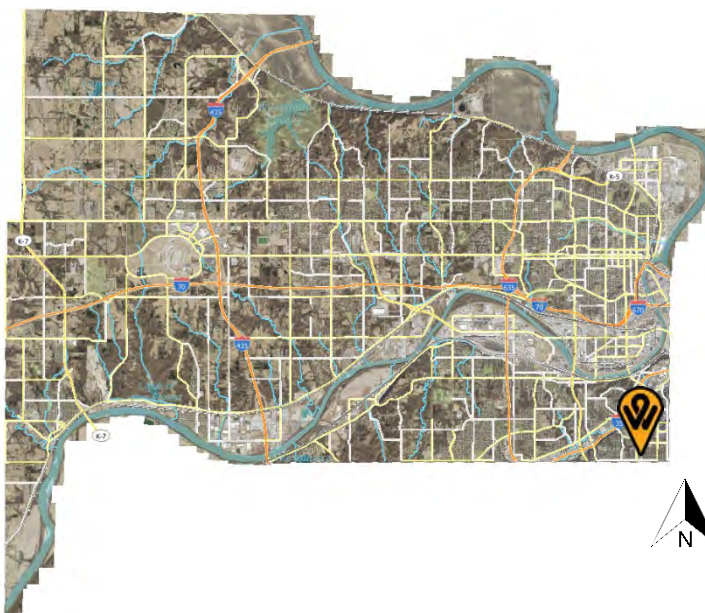
Requested Action:
Approval of a Short-Term Rental
Special Use Permit.

Date of Application:
October 27, 2023

Purpose:
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:
2903 West 45th Avenue
Kansas City, Kansas 66103

Commission Districts:
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.11 Acre
Comprehensive Plan Designation:	The Rosedale Area Plan designates the subject property as Single Family, which allows attached and detached single-family residences.
Major Street Plan:	The goDotte County-Wide Mobility Plan designates West 45 th Avenue as a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides two (2) parking spaces, with a third in the garage.
Advertisement:	<u>The Wyandotte Echo</u> – November 16, 2023 Letters to Property Owners – November 17, 2023, December 6, 2023, January 3, 2024 and January 11, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.
Public Opposition:	One (1) person appeared with questions at the February 12, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Marcos Oliva, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2903 West 45th Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2900 block of West 45th Avenue.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. 2003 – 03200-01024 – Environmental - Debris

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Neighborhood, as well as the Frank Rushton Neighborhood and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of single-family residences and duplexes. Located to the South is the Fairway North Shopping Center and the West 47th Avenue mixed-use corridor.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1(B) Single Family District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

It is unclear how long the property has been vacant for.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates the subject property as Single Family, which allows for attached and detached single-family residences. The use as a short-term rental conforms to the Area Plan with a Special Use Permit.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of West 45th Avenue, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous Planning Entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 2, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Illumination
Noise
Operating without a Special Use Permit
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-108 for one (1) year**, subject to:

- 1. Maximum number of guests shall be six (6);**
- 2. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**

3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. 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;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-108** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Neighborhood Meeting Materials
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated November 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-108** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-108**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 3:14:45:

SPECIAL USE PERMIT APPLICATION SP2023-108 – MARCOS OLIVA - SYNOPSIS:

Special Use Permit for a Short-Term Rental at 2903 West 45th Avenue. Detailed Outline of Requested Action: The applicant, Marcos Oliva, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2903 West 45th Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2900 block of West 45th Avenue.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Marcos Oliva, representing the applicant, 5115 Garfield Avenue, Kansas City, Kansas

Present with Questions:

- Meredith Casares, 4925 Metropolitan Avenue, Kansas City, Kansas

Staff Recommendation starts at 3:20:27: Planning Director Hand stated that this request is for a non-owner-occupied Special Use Permit for a Short-Term Rental. The property is in the Rosedale Area Plan. Staff received no letters in support nor opposition. There are some older Notices of Violation that have been addressed. Staff recommends approval for one (1) year, subject to the conditions in the staff report.

Motion starts at 3:21:25:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-108 for one (1) year:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye

Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Motion to recommend **APPROVAL** Passed: 7 to 0
Subject to:

1. **Maximum number of guests shall be six (6);**
2. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
5. **Applicant is to maintain liability insurance;**
6. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
7. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
8. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
9. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
10. **If approved, occupying businesses must file and maintain a current business occupation tax application with this office;**
11. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
12. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**

13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
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15. 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;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by

the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

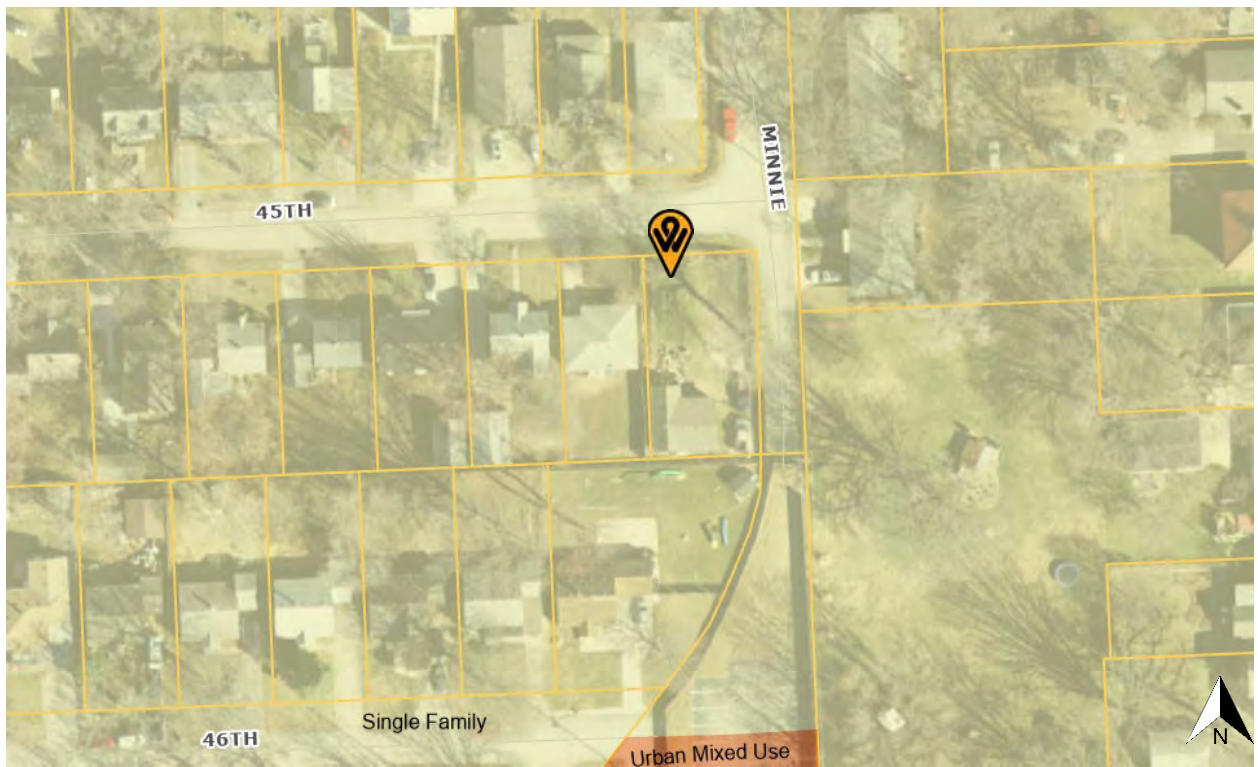
AERIAL IMAGERY



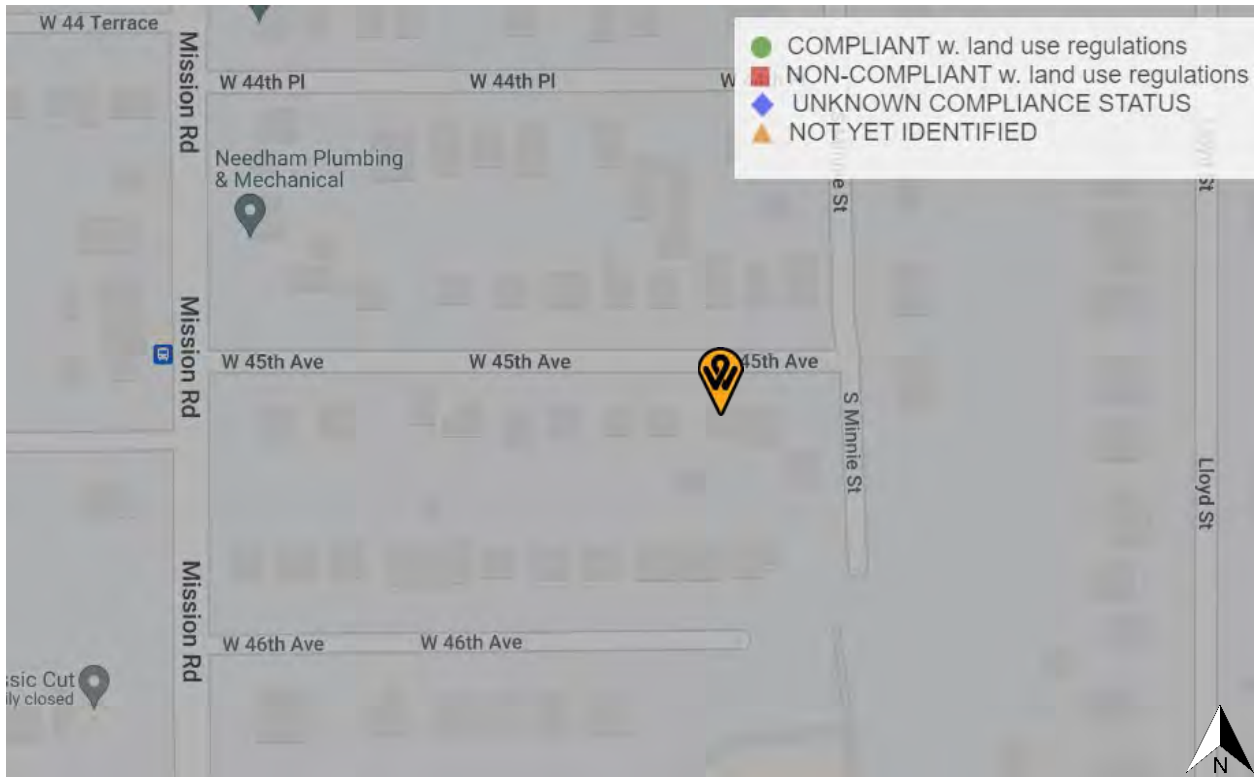
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – NOVEMBER 7, 2023



NEIGHBORHOOD MEETING MATERIALS

12-02-23

Neighborhood meeting

sign in list : no one showed to the neighborhood meeting

Meeting was scheduled to start at 6pm. Waited one hour to see if anyone was running late or last minute people wanted to show but no one arrived.

Marcos had two phone calls, due to the fact marcos owns a full time company and was at work at the time he had the calls he was not able to write down the names of the people who called him but both people who called had questions regarding the usage of the property, they were explained our goal was a short term rental with airbnb both people were fine with the proposal.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Marcos Oliva, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-108
2. That I conducted a neighborhood meeting on 12-02-23 @ 6pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

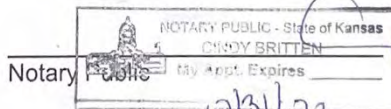
Further affiant saith not.

Marcos Oliva
Affiant

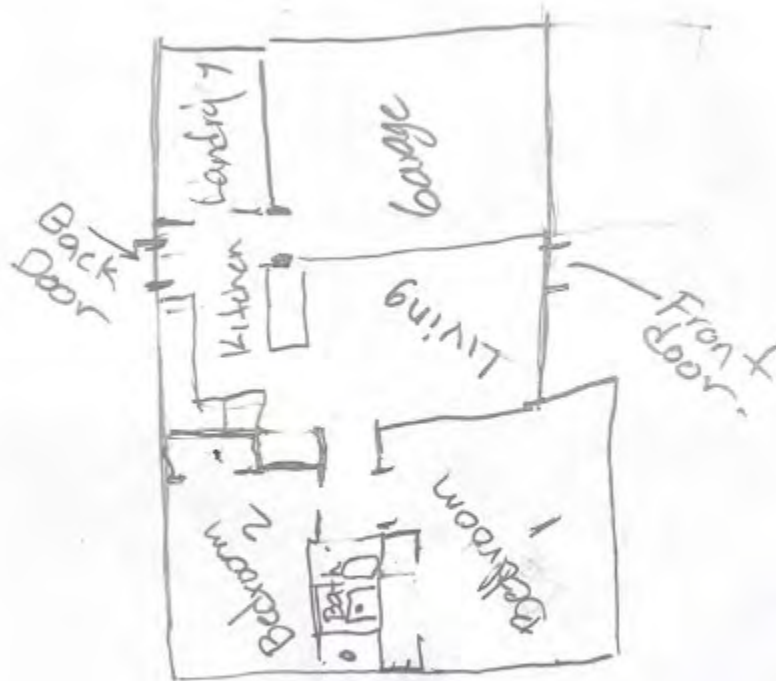
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 7 day of

Dec., 200-23

My commission expires Dec. of 31, 200-23



FLOOR PLAN



Report Summary

This summary page lists those items that are a concern. Each item will have a Comment Number and Figure Number if referencing a photo.

The complete report may include additional information of interest or concern to you. It is strongly recommended that you promptly read the complete report. For information regarding the negotiability of any item in this report under the real estate purchase contract, contact your real estate agent or an attorney.

Deficiency

Comment 5

Exterior

The paver brick forming this fire ring are not attached with an adhesive, which could lead these loose stones to be a tripping hazard - especially for children. We recommend a fire rated adhesive.

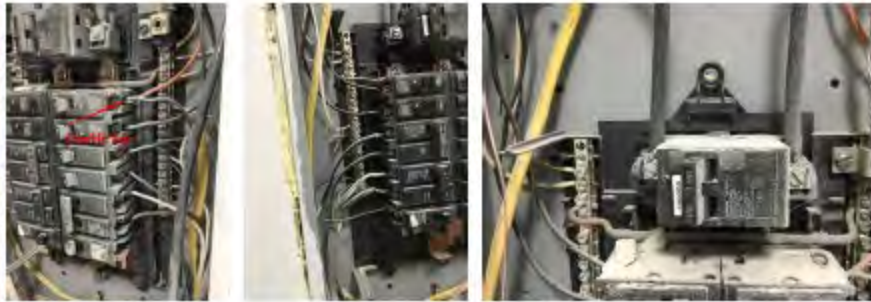


Comment 22

Electrical

The electrical panel is generally in satisfactory condition. However, there is one double tap occurring in the upper right breaker. We recommend a contractor evaluate for this repair.





Comment 23

Electrical

This electrical wire going into the attic is not satisfactory as this wire can become damaged. We recommend an electric contractor evaluate for repair.



Comment 27

HVAC: Heating

All wiring splices need to be contained within a junction box. We recommend that a contractor make this repair.



Comment 41

Interior

The deadbolt striker does not align into the striker plate, and therefore does not work. We recommend a contractor evaluate for repair.



SITE PHOTOS, TAKEN BY STAFF, DATED NOVEMBER 10, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Special Use Petition SP2023-111

GENERAL INFORMATION

Applicant:

Kevin Bentley

Status of Applicant:

Representative
Catholic Charities of NE Kansas
9720 West 87th Street
Overland Park, Kansas 66212

Requested Action:

Renewal of a Special Use Permit
(SP2021-082, which expires
3/2/2024).

Date of Application:

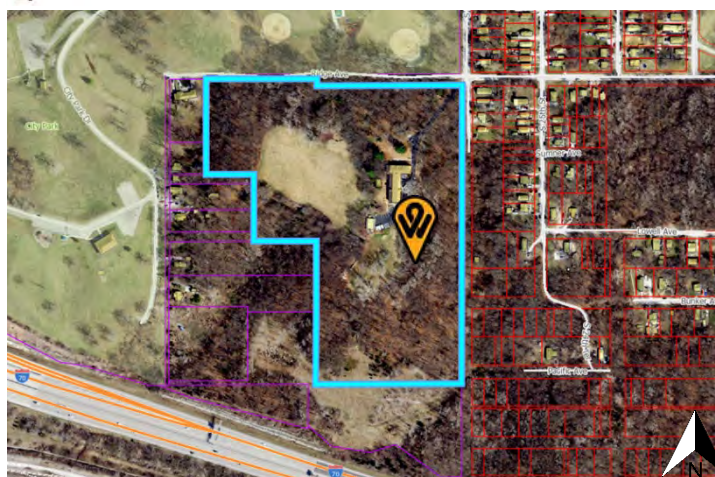
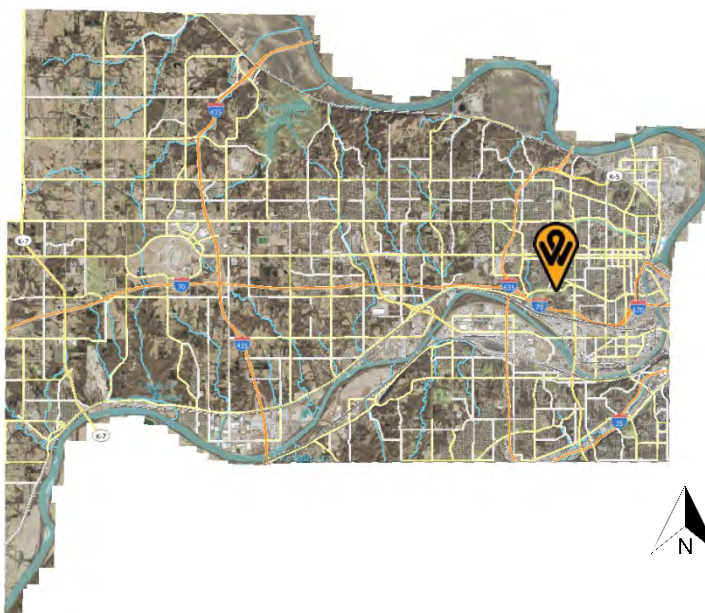
November 27, 2023

Purpose:

To approve a Special Use Permit
to continue to operate a group
dwelling.

Property Location:

2601 Ridge Avenue
Kansas City, Kansas 66102



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #4 Commissioner: Dr. Evelyn Hill
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: City Park South: Single-family residence and vacant lot East: Single-family residence and vacant lot West: City Park
Total Tract Size:	25.04 Acres
Comprehensive Plan Designation:	The Central Area Plan designates this Property as Public/Semi-Public. Allowed uses in this land use designation include publicly owned or non-profit property and encouraged uses include schools, public land and buildings, churches, and non-profits.
Major Street Plan:	The goDotte Mobility Plan designates Ridge Avenue as Local/Neighborhood Street.
Parking Requirement:	Sec 27-668(6) states that “one (1) parking space for each guest room and one (1) parking space for each employee during the peak shifts or make specific legally binding commitments that assure that normal daily parking needs are met on site and/or on the adjacent streets directly abutting the property”. 32 parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – December 14, 2023 Letters to Property Owners – December 15, 2023 and January 11, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Kevin Bentley, is requesting a renewal of a Special Use Permit (SP2021-082, which expires 03/02/2024) to operate a group home at the subject property at 2601 Ridge Avenue. The subject property has retained various uses since its construction, including a mental health asylum, tuberculosis sanitarium, elder care facility, and more recently, a prayer center. The applicant would like to continue to use the subject property as Shalom House, a transitional group home with housing and life services in operation since 1973.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Kensington Statistical Neighborhood, the WCAC Neighborhood Group and the Central Area Betterment Association (CABA) neighborhood group. The neighborhood is residential in character. Lots are average for urban densities and are approximately fifty (50) feet in width on the east and one hundred fifty (150) feet wide on the west and I-70 to the South. The streets are mostly asphalt and driveways are often gravel or asphalt. The neighborhoods lack curbs and sidewalks. This block of Ridge Avenue is one block south of Park Drive near City Park.

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

The subject property is surrounded by single family residences and vast open park space. The extensive screening and available open space of the property would allow for the operation of the group home in a way that is not incompatible to other adjacent property owners or to the surrounding open park space.

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

The operation of a group home would not detrimentally affect nearby property, as the property is surrounded by a dense woodland buffer, screening it from any nearby properties.

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

The property has been vacant since 2021 as it has been in the process of being renovated for the current/proposed use.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates this property of Public/Semi-Public, which allows for non-profit use. The property will retain its non-profit status and continue usage in a similar manner as the prior owner.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The street has a private entry with a long driveway and ample parking. The group home programming for the homeless accommodates a limited number of participants and traffic should not exceed capacity for the site. The nature of the group home programming ostensibly indicates that only staff will have vehicles.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use of the group home is for shelter for individuals experiencing homelessness and is considered reasonably necessary for the welfare of the public, as the program provides transitional housing and rehabilitation services. It would not ostensibly injure the surrounding property due to its dense screening and wooded lots within a built-out neighborhood.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The proposed use would not create noise, vibration, dust, or illumination that would create a problem for nearby property owners as the subject property is heavily screened and buffered in a built-out neighborhood.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use would not create pollution to air, land, or water as the subject property is heavily screened and buffered in a built-out urban neighborhood.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use would not damage or destroy an irreplaceable natural resource as the subject property is an existing permitted development in a built-out urban neighborhood.

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

The proposed use would be of relative gain to the public health, safety, and welfare as it provides a transitional housing and rehabilitation for vulnerable populations in Wyandotte County. Not granting the permit would displace persons experiencing homelessness and end the associated services such as employment assistance and medical care referrals at this location and Shalom House would need to find another location for their operations.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use would not create land overcrowding as the site has several acres of open space and wooded, screened property. The number of program participants is limited in number and would ostensibly not cause an undue concentration of population at the facility.

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP2021-082) to operate a group dwelling in 2021.
- Approval of a Variance (BOZA2021-045) for number and size of accessory structures in 2021.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 21, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Accessory Structures
Additional Uses
Previous Conditions
Screening/Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-111**, for five (5) years, subject to:

1. The following conditions from SP2021-082 will remain in effect:
 - a. Screening shall be maintained surrounding the property;
 - b. The following site improvements are required:
 - i. Trash Enclosures shall be updated to Brick Masonry to match the building;
 - ii. Debris Piles shall be removed;
 - iii. Tire pile shall be removed;
 - iv. Parking lot needs re-striping and shall be included in building permit plans;
 - v. Wheel stops or a guard rail shall be installed on the edge of the parking lot with steep drop;
 - c. Replacement of the safety railing at the Jesus statue overlooking City Park;
 - d. Any new signage needs permitted by a licensed sign installation agency;
 - e. A safety plan shall be provided and provide protocols for access management and tenant management;
 - f. The approval of this Special Use Permit does not take the place of any additional required Variances, Building Permits, Licensing, or any other Authority Having Jurisdiction requirements;
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. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and

- maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 5. All exterior lighting, whether mounted on a building or within a parking lot 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;
 6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 8. 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;
 9. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger 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. 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;
 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

12. 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 at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
14. The Special Use Permit 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;
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; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-111** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Information
Site Plan
Floor Plan
Site Photos, Taken by Staff, Dated December 12, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-111** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-111**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2023-111 – RYAN FORSHEE WITH CATHOLIC CHARITIES OF NE KANSAS – SYNOPSIS: Renewal of a Special Use Permit (SP2021-082 – expired 2/3/2024) to operate a group dwelling unit at 2601 Ridge Avenue. Detailed Outline of Requested Action: The Applicant, Kevin Bentley, is requesting a renewal of a Special Use Permit (SP2021-082, which expires 03/02/2024) to operate a group home at the subject property at 2601 Ridge Avenue. The subject property has retained various uses since its construction, including a mental health asylum, tuberculosis sanitarium, elder care facility, and more recently, a prayer center. The applicant would like to continue to use the subject property as Shalom House, a transitional group home with housing and life services in operation since 1973.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo for the Special Use Permits; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. Mr. Fred Sjori, requested that SP2023-110 be removed from the Consent Agenda.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Motion to APPROVE Passed: 8 to 0	

Subject to:

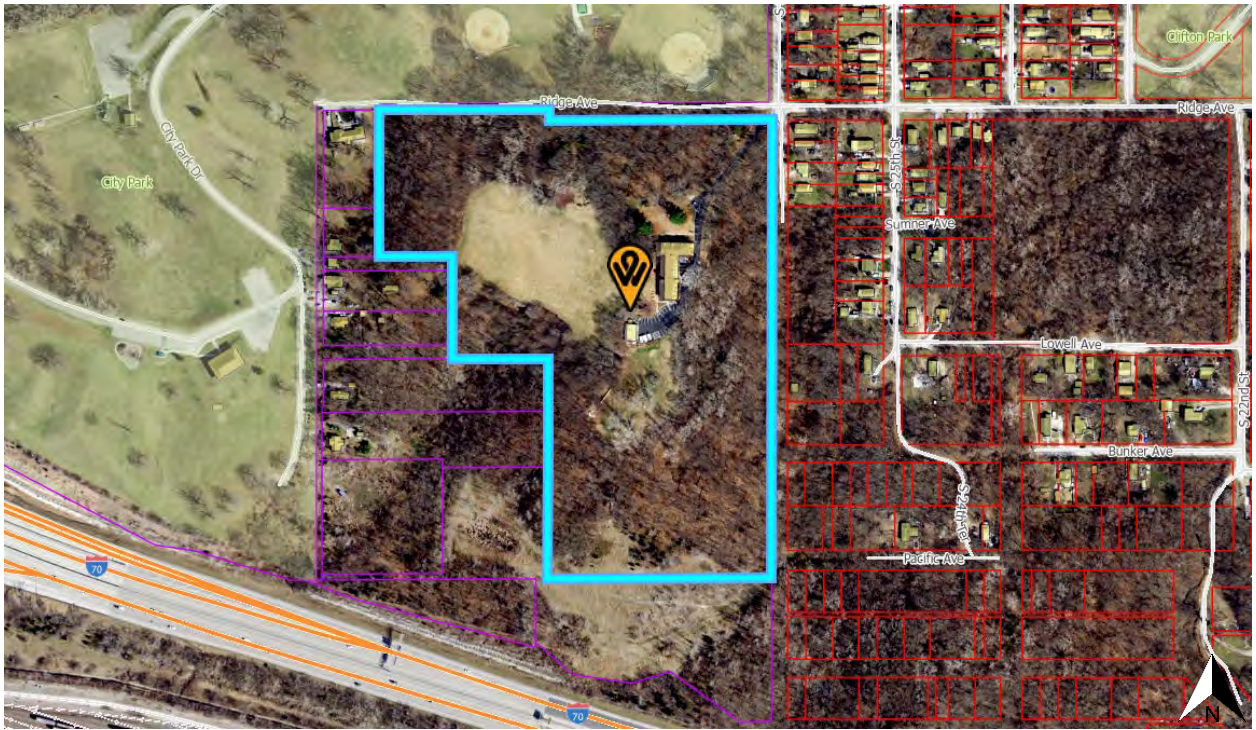
- 1. The following conditions from SP2021-082 will remain in effect:**
 - a. Screening shall be maintained surrounding the property;**
 - b. The following site improvements are required:**
 - i. Trash Enclosures shall be updated to Brick Masonry to match the building;**
 - ii. Debris Piles shall be removed;**
 - iii. Tire pile shall be removed;**
 - iv. Parking lot needs re-striping and shall be included in building permit plans;**
 - v. Wheel stops or a guard rail shall be installed on the edge of the parking lot with steep drop;**
 - c. Replacement of the safety railing at the Jesus statue overlooking City Park;**
 - d. Any new signage needs permitted by a licensed sign installation agency;**
 - e. A safety plan shall be provided and provide protocols for access management and tenant management;**
 - f. The approval of this Special Use Permit does not take the place of any additional required Variances, Building Permits, Licensing, or any other Authority Having Jurisdiction requirements;**
- 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. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;**
- 4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**

5. All exterior lighting, whether mounted on a building or within a parking lot 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;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. 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;
9. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger 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. 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;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. 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 at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

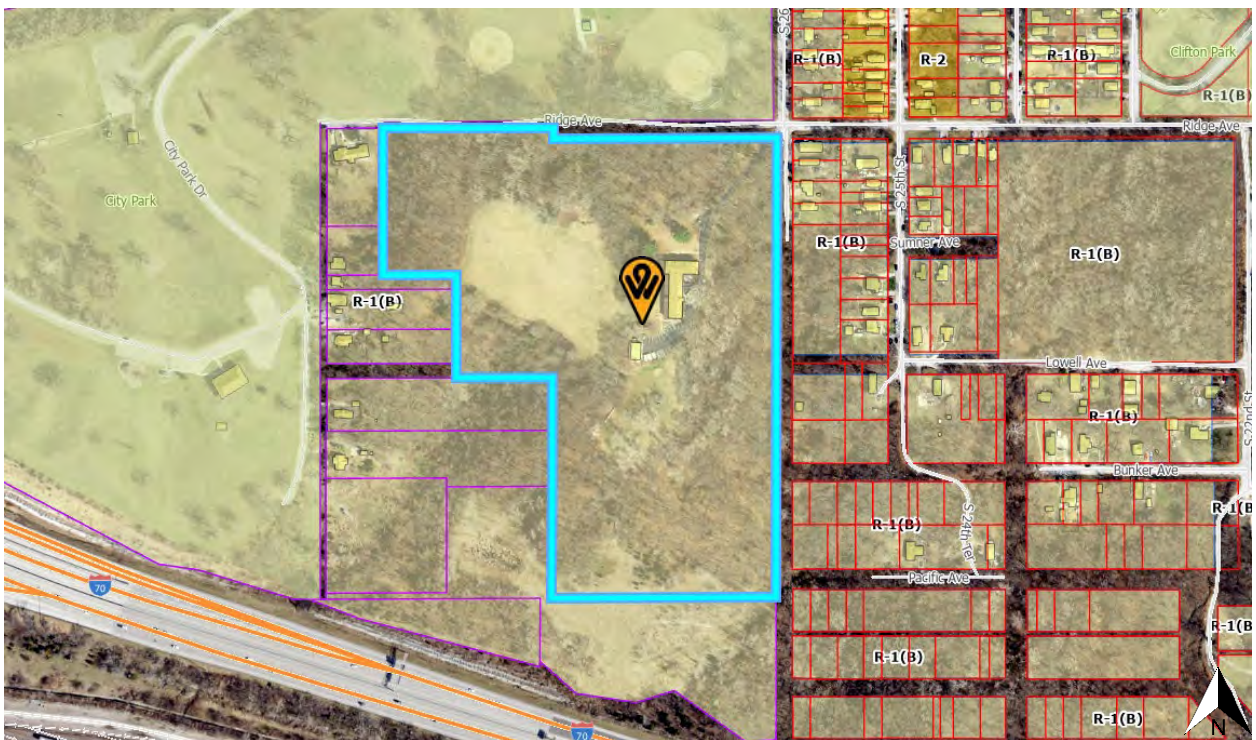
- 13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 14. The Special Use Permit 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;**
- 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; and,**
- 16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS



To: Janet Parker & James Malloy, Unified Government of Wyandotte County and Kansas City, KS
From: Kevin Bentley, COO, Catholic Charities of Northeast Kansas
Date: 12/21/23
RE: Neighborhood Meeting for SP2023-111

Requirement was for our meeting to be held by **December 26, 2023**, and letters mailed at least ten days in advance. That was completed, and though not required we chose to have letters sent certified and can produce proof of this fact. Meeting took place 12/20/23. Attached is the affidavit, neighborhood meeting minutes, list of attendees (It was a virtual meeting) and comments received by phone, email or in the neighborhood meeting itself.

1. List of people who participated in your in-person, Zoom or Teams meeting.
The meeting was held at 3:30PM on December 20, 2023. From Catholic Charities, Kevin Bentley (COO), Amelia Reyes (CPO) and Lauren Solidum (CEO) were present and presented. There was one attendee, Paul Soptick, from the Wyandotte Countians Against Crime. It should be noted that no neighbors attended. Paul was representing community interest and had been informed of the meeting by a neighbor who had received our invitation.
2. List of people who contacted you with questions and comments – please document their names and questions/comments.
Paul Soptick was the only person with comments and/or questions. None came outside of the meeting. They are in the minutes, but are summarized here:

Paul Soptick (questions summarized in quotations, though may not be verbatim) - "You answered most of my questions, such as How many residents, How many have folks left and confirmed 29 with 7 graduating. Asked if they went to rental or owner homes". A combination was the response. Asked if "going to stay at 60 capacity? Not 80 as original". Confirmed staying at 60 maximum. "Everyone knows the homeless issue is running rampant, tent city at the Armory..." (and asked about whether those addressing the issue are working with CC". LS- We have seats at those tables, but as a resource. We are following several efforts, not determined whether we're going to lead or be a part of it. "Does that include tiny houses on Metropolitan". LS- Yes, and watching other initiatives as we have a seat at the table. AR - Our program manager is part of community outreach. "Out of the 20 what's the major issue these folk have had"? AR - varies, chronic homelessness and some mental health crisis and substance abuse often is tied to that. Barriers are different (family, job, military, etc.). "When you say substance abuse does that include drugs and alcohol?" AR-Yes "When you give folks opportunity, is there anything that can be done before they hit (this point)?" AR- Without a doubt mental health support. "Are you familiar with the Lawrence encampment (that was shut down and now moved to another area... question is are we going to expand or what are we looking for in the near future?" AR - Yes aware of that and our focus is on getting Shalom right and always looking for new ways to address community issues. "When he talked with the neighbors they didn't have specifics on what they wanted to talk about but they wondered if it's a success... There is an upkick of vandalism and not pointing a finger, but (up) quite a bit. Some are equating this site to that issue. What can we tell people?" LS- we welcome the opportunity to come speak to community. "Agree good idea come speak at WCAC meeting... Last night heavily attended and now fewer neighborhood groups..." LS- would love to share and talk about the best way to address homelessness... roof over head is dignified but w/o supportive services hard to walk people out of their situation. "Eleven acres behind us, SOH owned, any issues or plans with that? Used to be marijuana and/or homeless". KB- we have no plans, believe property sold to a neighbor. LS confirmed no interest in purchasing that. "Can I get a copy of the video presentation" Yes. (recording was sent to Soptick as requested and retained by CC for records.

3. Signed and **notarized** affidavit that you held the meeting.

Attached

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now Kevin Bentley, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition #SP2023-111.
2. That I conducted a neighborhood meeting on Wednesday, December 20, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Kevin Bentley
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21st day of Dec. 2023

My commission expires 21st of April, 2026



Mary A. Flores
Notary Public

Neighborhood Meeting Agenda & Minutes

Date: 12/20/2023

Subject: Shalom House Special Use Permit Renewal (SP2024-111) – Transitional Housing

Presenters from Catholic Charities of Northeast Kansas – Kevin Bentley, COO/Amelia Reyes, CPO & Lauren Solidum, CEO

Present from community – Paul Sopotick

History and Context – Kevin Bentley

- One year ago, we opened our Men's Transitional Shelter, Shalom House, to serve men in the community. Specifically, the program focuses on men who face homelessness and have the desire and ability to transition into permanent housing with support from our program staff.
- Previously, we operated the program from a building near 13th and Parallel Parkway. Originally beginning in the 1970s, it operated as a temporary and emergent refuge for men experiencing homelessness (hot shower, food & night's rest), it grew to the program it is today. No longer an overnight shelter, this is a home for men as they advance on their pathway to stabilization.
- The property at 2601 Ridge Avenue was found to be suitable to grow the program, not only in size but in scope as we would be able to offer complete wrap-around social services for residents. So, we acquired the property and invested in renovations to completely modernize the facility. Benefits from that include:
 - Bringing the building up to code – accessible, fully repaired, central HVAC and more
 - Clean-up of the property (which had been a dumping ground)
 - 24/7 occupancy, which has helped to prevent vagrancy on the acreage
 - Best of all, the renovations provided for all of the needs for us to deliver our program in support of the community
- Important program points to consider:
 - While we have capacity to support up to 60 men, we have chosen to grow occupancy slowly in order to ensure success in the program
 - Referrals come from agencies not walk-ups
 - No 4pm dinner bell situation
 - Background checks, mental health screenings as a part of intake
 - 24/7 wake staff
 - Security includes internal and external video surveillance, alarms, controlled access and patrol as needed

Program Information – Amelia Reyes

- Prior to our relocation, we presented the sobering statistics of homelessness in Wyandotte County. While this is still a large community issue, we have been able to be part of a solution with this program:
 - To date, 29 men have been served by the program after reopening
 - Staff have invested 271 case management hours in support of their growth and improvement
 - All have received 100% of basic needs (food, clothing and shelter)
 - 46% have obtained full-time employment
 - 30% have advanced education through certificates or degrees, etc...
 - 7 residents have graduated and been placed into permanent housing
 - Relayed a couple of their success stories from men in the program over the past year.
-

Safety and Security Update – Kevin Bentley

- Prior to our relocation of the program, we looked back and found no police reports or activity required for our site, related to our program or residents.
 - Since our reopening, the police report a total of 8 incident numbers for the property:
 - 5 were informational or other non-emergency related inquiries
 - 2 were related to stolen vehicles (two were dropped off on a remote area of the property after they had been used for “joy riding”).
 - Only one was an incident related to the program or residents. This non-domestic disturbance call resulted in a peaceful departure of a participant.
 - We continually evaluate our Safety & Security Plan and have added exterior lighting, cameras and door alarm points as necessary for the safety of our residents, staff and the neighborhood.
-

Neighborhood Questions and Comments – (Record Name and Question or Comment & Summarize Response) Please note quotations are to indicate Paul’s comment or question and are not verbatim.

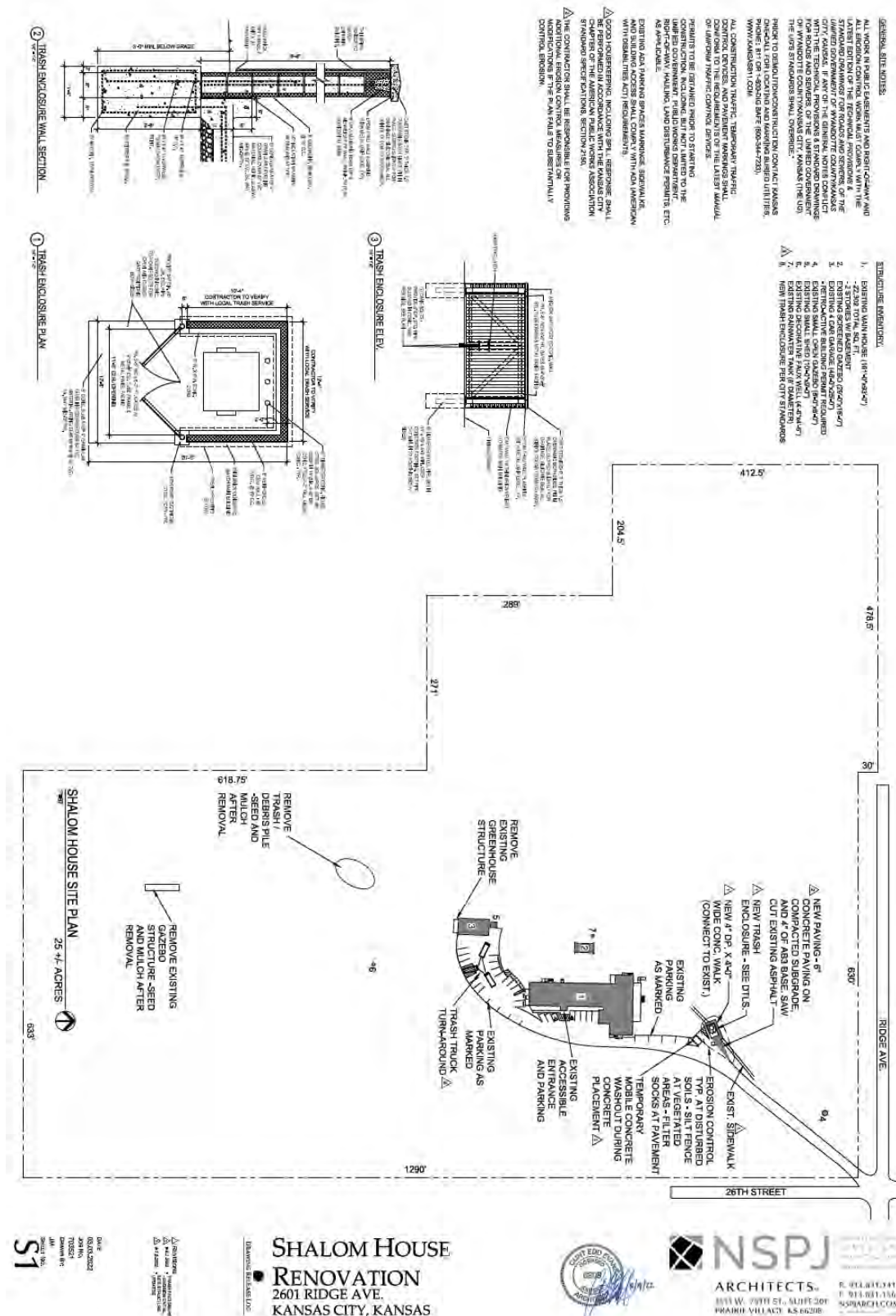
Paul Soptrick – You answered most of my questions, such as “How many residents”, “How many have left”, confirmed 29 with 7 graduating. Asked if they went to “rental or owner”. Some of all of the above. Asked if “going to stay at 60 capacity”? Not 80 as original. Confirmed staying at 60 maximum. “Everyone knows the homeless issue is running rampant, tent city at the Armory. Have two folks who have armed themselves. Are they working with you”? I.S- We have seats at those tables, but as a resource. We are following several efforts, not determined whether we’re going to lead or be a part of it. “Does that include tiny houses on Metropolitan”. I.S- Yes, and watching other initiatives as we have a seat at the table. AR – Our program manager is part of community outreach. “Out of the 20 what’s the major issue these folk have had”? AR – varies, chronic

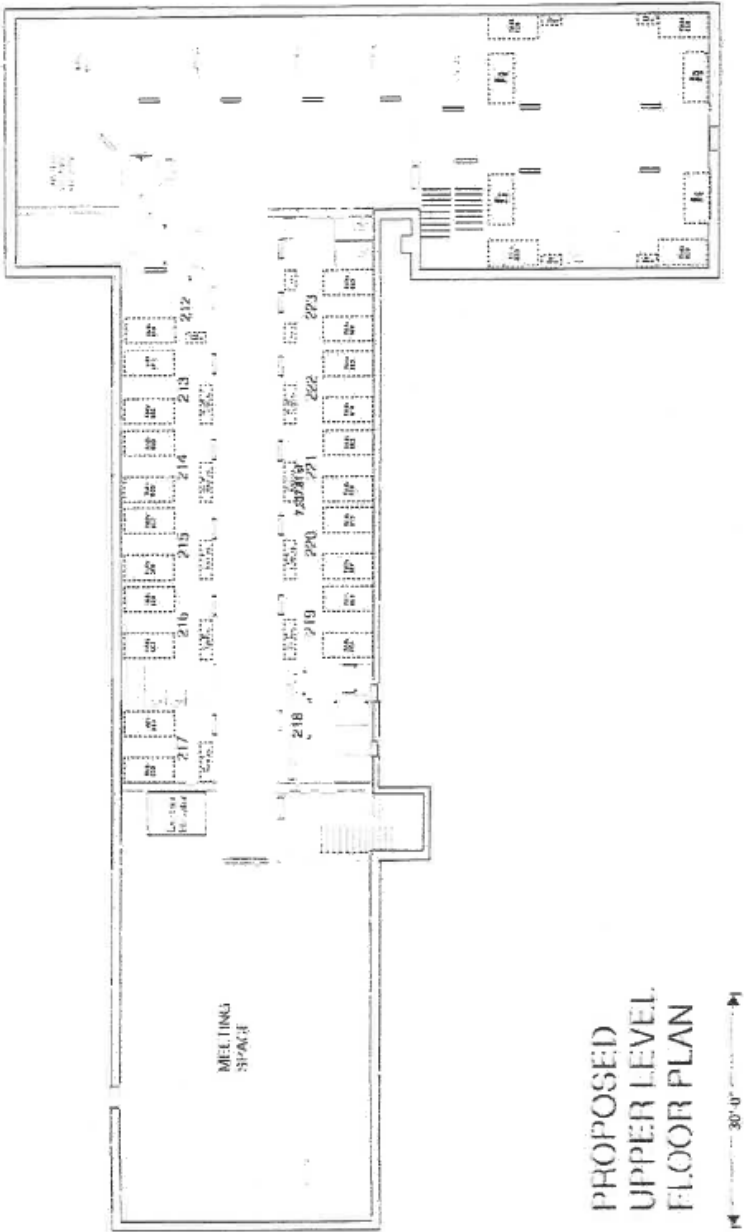
homelessness and some mental health crisis and substance abuse often is tied to that. Barriers are different (family, job, military, etc...).”When you say substance abuse include drugs and alcohol?” AR-Yes “When you give folks opportunity, is there anything that can be done before they hit (this point)?” AR- Without a doubt mental health support. “Are you familiar with the Lawrence encampment (AR-Yes), shut down and now moved to another area... question is are we going to expand or what are we looking for in the near future?” AR – I focus in on getting Shalom right and always looking for new ways to address community issues. “When he talked with the neighbors they didn’t have specifics on what they wanted to talk about but they wondered if it’s a success... There is an uptick of vandalism and not pointing a finger, but (up) quite a bit. Some are equating it to that issue. What can we tell people?” LS- we welcome the opportunity to come speak to community. “Agree good idea come speak at WCAC meeting... Last night heavily attended and now fewer neighborhood groups..” LS- would love to share and talk about the best way to address homelessness... roof over head is dignified but w/o supportive services hard to walk people out of their situation. “Eleven acres behind us, SOH owned, any issues or plans with that? Used to be marijuana and/or homeless”. KB- we have no plans, believe property sold to a neighbor. LS confirmed no interest in purchasing that. “Can I get a copy of the video presentation” Yes.

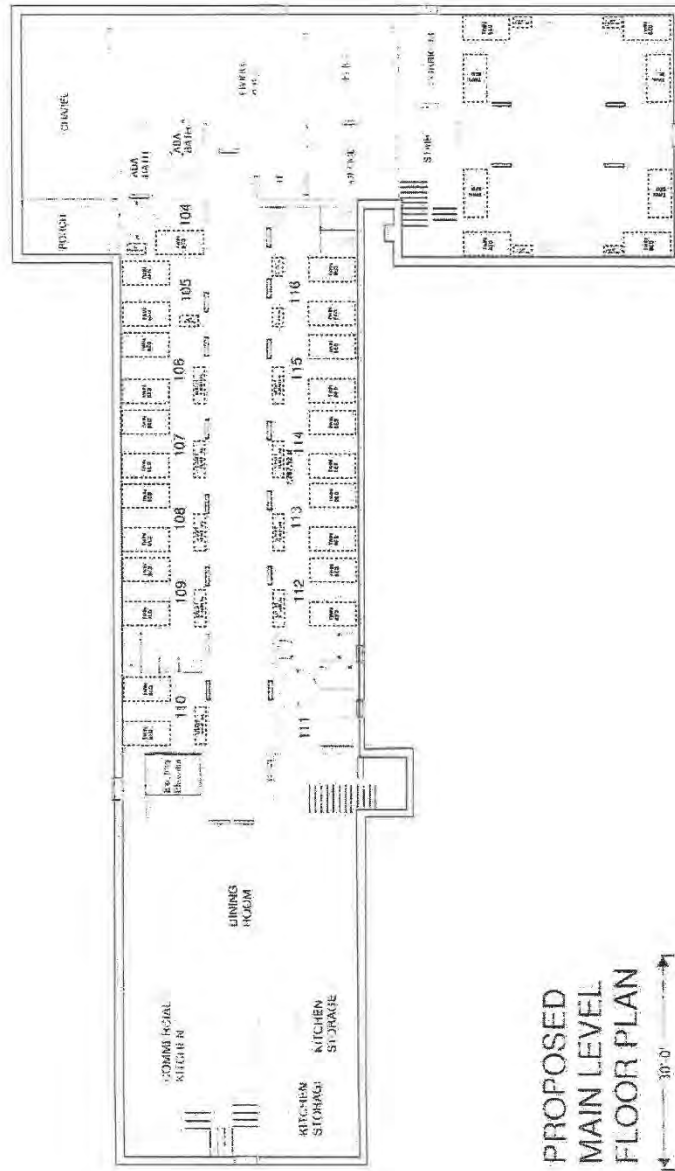
KB- one thing to add, next steps with DP. Meeting in January. Paul said - “Thanks for doing this”

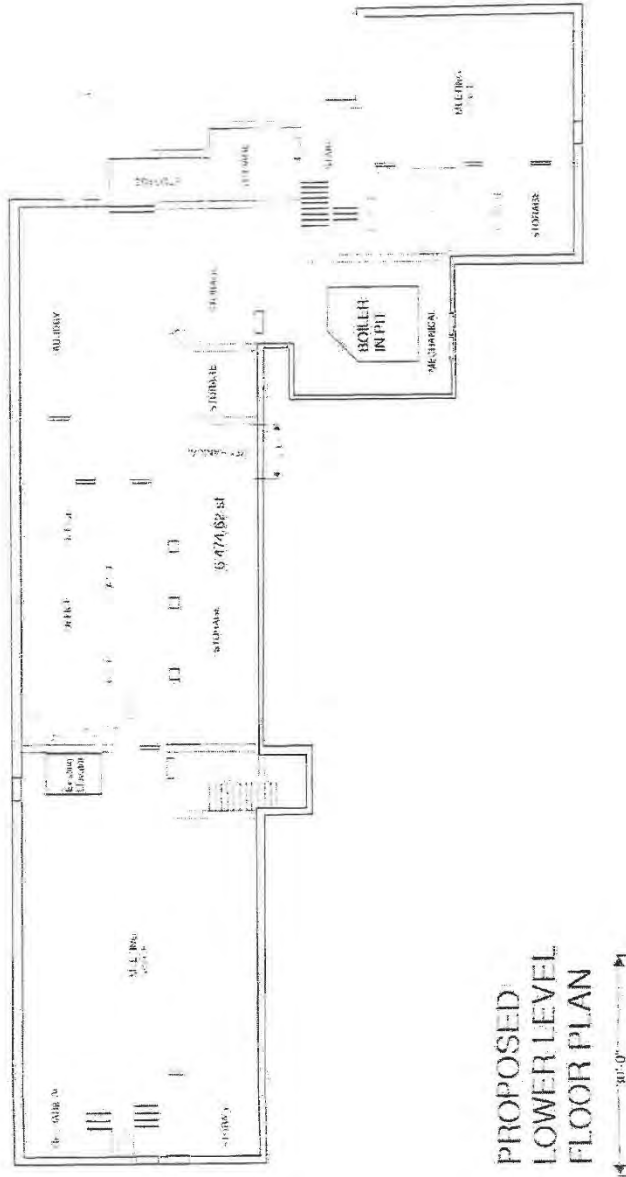
Close – Lauren Solidum

SITE PLAN









SITE PHOTOS, TAKEN BY STAFF, DATED DECEMBER 12, 2023









Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Petition SP2023-115

GENERAL INFORMATION

Applicant:
Deborah Sage

Status of Applicant:
Applicant
2939 North Getty Avenue
Kansas City, KS 66104

Requested Action:
Approval of a Special Use Permit.

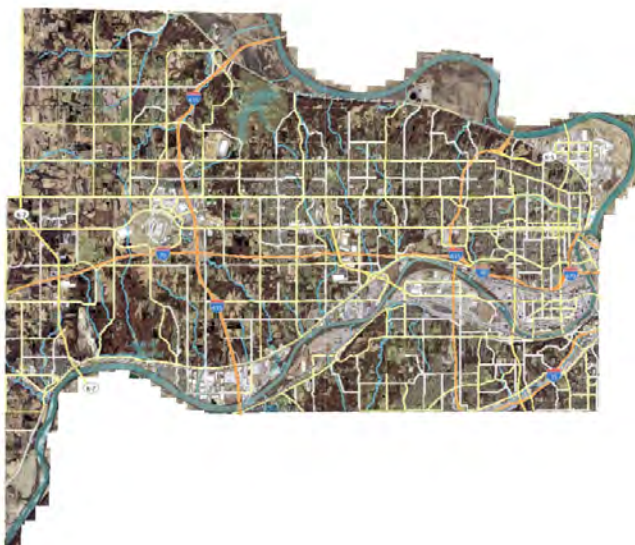
Date of Application:
December 29, 2023

Purpose:
To operate an automotive dealership.

Property Location:
2959 North 7th Street Trafficway

Commission Districts:
Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner: Gayle
Townsend

Existing Zoning:
M-2 General Industrial District



Adjacent Zoning:	North: M-3 Heavy Industrial District South: R-2(B) Two Family Districts East: MP-2 Planned General Industrial District West: MP-2 General Industrial and R-2 (B) Two Family Districts
Adjacent Uses:	North: Industrial business South: Vacant lot East: Vacant lot West: Roswell Park
Total Tract Size:	0.37 Acre
Master Plan Area:	Northeast Area Plan
Master Plan Designation:	The Northeast Area Plan designates this property as Industrial, which allows light industrial buildings, heavy industrial buildings and commercial buildings to support industrial uses, such as restaurants, convenience store, and gas stations.
Major Street Plan:	The Major Street Plan classifies North 7 th Street as a Class B Thoroughfare and Roswell Avenue as a Local Street.
Parking Requirement:	Section 27-469(e) requires the use of off-street parking with Commercial uses meeting the requirements in 27-467(e) for a C-3 Commercial District with a ratio of four (4) spaces per 1,000 square feet of total building area. Without a site plan, staff cannot determine either how many parking spaces are required, nor also how many the applicant is providing.
Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owner – January 19, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	One (1) person appeared in support at the February 12, 2024, City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Deborah Sage, is requesting a Special Use Permit to operate a used automotive dealership in conjunction with Anna's Bld Bistro at 2959 North 7th Street Trafficway.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. STR24-0005 – Citation for gutters with holes in them and repaint eaves along roof line – January 3, 2023.
2. 09200-01879 – Citation for graffiti on rear exterior wall – October 23, 2009.
3. 09200-01611 – Citation for trash on the property – May 4, 2009.

Outstanding or Related Permits and Cases:

1. 11300-00099 – Building Permit – Tenant Finish for restaurant on March 15, 2011.
2. 11390-00162 – Plumbing Permit - Kitchen and bath re-pipe and gas pressure test on March 25, 2011.
3. 10380-01178 – Electrical Permit – New circuits for cooking equipment on November 18, 2010.
4. SIGN 2011-203 – Wall sign for Anna's Boulevard Bistro on December 14, 2011.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is near the southern entrance on North 7th Street into the Fairfax Industrial District. The majority of the area to the south and west is largely vacant, with small, isolated pockets of single-family homes. Roswell Park is directly across the street to the west.

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

The zoning and uses of properties nearby are set out above. The property is surrounded by industrial zoning and one (1) business to the north and is considered to be compatible with the nearby uses if the business maintains the required property upgrades, and is managed properly.

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

The property is suitable for an automotive dealership as it is a commercial use in an industrial district. By ordinance, a Special Use Permit is required for used automotive dealership.

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

The property is not vacant. A restaurant currently operates at this location.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Master Plan. New establishment, expansion, or relocation of Automotive uses require a Special Use Permit prior to operation pursuant to Ordinance O-42-15 as specified in 27-593(b)(19-20). The Northeast Area Plan designates the property at 2959 North 7th Street Trafficway as Industrial.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The former restaurant at this location operated from 2011 to 2023 and is along a Class B Thoroughfare with a heavy amount of daily traffic. The restaurant primarily served the employees and businesses in the Fairfax Industrial District. There is a slight chance of an increase in traffic, but not compared to the previous use and not to exceed the capacity of the Class B Thoroughfare to accommodate it.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience nor welfare of the public. The proposed use will likely not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if managed properly.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This is less of an issue given the surrounding industrial uses to the north, and it is located on a primary industrial corridor into Fairfax. The proposed use will not likely create problems for nearby properties if site modifications are made and the business is managed properly.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use should not pollute the air, land or water if managed properly. The proposed use is often associated with the potential for chemical leaks, hazardous waste, groundwater intrusion and stormwater runoff. If managed properly and cleaned in a timely manner, groundwater contamination will not be a problem.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is located in an existing building, and is on the periphery of an industrial business district.

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

The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use should not result in the overcrowding of land if it is properly managed and operates within the required conditions. The parking of cars on site may become an issue if not managed properly. The proposed use will not cause undue concentrations of population as it is a commercial use.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 2959 North Street Trafficway on January 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with Commercial Design Guidelines
Inventory management
Parking
Landscaping upgrades and maintenance

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-115** for two (2) years, subject to:

1. Four (4) trees shall be planted on the property along North 7th Street Trafficway, out of the right-of-way. This will involve saw cutting and removing the concrete, and installing a landscape bed large enough to allow the tree to grow;
2. Hours of operation for the used automotive dealership shall be Saturday, Sunday and Monday from 10:00 AM to 6:00 PM, the days the restaurant is not open.
 - a. All other operations will be online services for auto sales;
3. 10 spaces are allocated for the restaurant parking. One (1) ADA parking stall is required for parking lots between one (1) and 25 spaces. The remaining spaces not dedicated to the restaurant can be used for display/sales;
4. Sec. 27-573(b)(19)d.1. Automobiles/trucks available for sale, rent or lease must not be inoperable, ruined, dismantled or wrecked;
5. Provide a trash enclosure that provides the required screening as described and with materials that match the main building, or store the trash dumpster inside of the building at all times, except when being serviced;
6. No auto repair or servicing is allowed without a Special Use Permit;
7. No storage or warehousing of salvage or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;
8. Vehicles shall not be parked on the right of way of Kansas Avenue in front of the property. Vehicles shall not park on North 7th Street or Roswell Avenue at any time;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. 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;

11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. If approved, 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 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;
13. 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) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-115** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Northeast Area Plan Land Use Designation Map
Neighborhood Meeting Documents
Business Plan
Site Plan
Photographs Provided by Staff taken on January 12, 2024.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-115** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-115**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 3:22:30:

SPECIAL USE PERMIT APPLICATION SP2023-115 – DEBORAH SAGE -

SYNOPSIS: Special Use Permit to operate an automotive dealership at 2959 North 7th Street Trafficway. Detailed Outline of Requested Action: The applicant, Deborah Sage, is requesting a Special Use Permit to operate a used automotive dealership in conjunction with Anna's Bld Bistro at 2959 North 7th Street Trafficway.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Deborah Sage, applicant, 2959 North 7th Street Trafficway, Kansas City, Kansas
- Angela Howell, 2527 North 8th Street, Kansas City, Kansas, owner and operator of the restaurant on the property

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:25:15: Planning Director Hand stated that the request is for a Special Use Permit for an auto dealership to operate in conjunction with an existing business on the property. The property is in the Northeast Area Plan. Staff received no letters in support nor opposition. There is a current Notice of Violation on that property that would be addressed by the proposed project. Staff recommends approval for two (2) years, subject to the conditions in the staff report.

Motion starts at 3:26:17:

On motion by Ms. Easterwood, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-115 for two (2) years:**

Carson	Chairman
Schwartz	Aye

Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

1. **Four (4) trees shall be planted on the property along North 7th Street Trafficway, out of the right-of-way. This will involve saw cutting and removing the concrete, and installing a landscape bed large enough to allow the tree to grow;**
2. **Hours of operation for the used automotive dealership shall be Saturday, Sunday and Monday from 10:00 AM to 6:00 PM, the days the restaurant is not open.**
 - a. **All other operations will be online services for auto sales;**
3. **10 spaces are allocated for the restaurant parking. One (1) ADA parking stall is required for parking lots between one (1) and 25 spaces. The remaining spaces not dedicated to the restaurant can be used for display/sales;**
4. **Sec. 27-573(b)(19)d.1. Automobiles/trucks available for sale, rent or lease must not be inoperable, ruined, dismantled or wrecked;**
5. **Provide a trash enclosure that provides the required screening as described and with materials that match the main building, or store the trash dumpster inside of the building at all times, except when being serviced;**
6. **No auto repair or servicing is allowed without a Special Use Permit;**
7. **No storage or warehousing of salvage or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;**
8. **Vehicles shall not be parked on the right of way of Kansas Avenue in front of the property. Vehicles shall not park on North 7th Street or Roswell Avenue at any time;**
9. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking**

regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

10. 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;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. If approved, 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 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;
13. 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) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

The Commission recessed from 3:28 to 3:32 for a technical issue to be resolved.

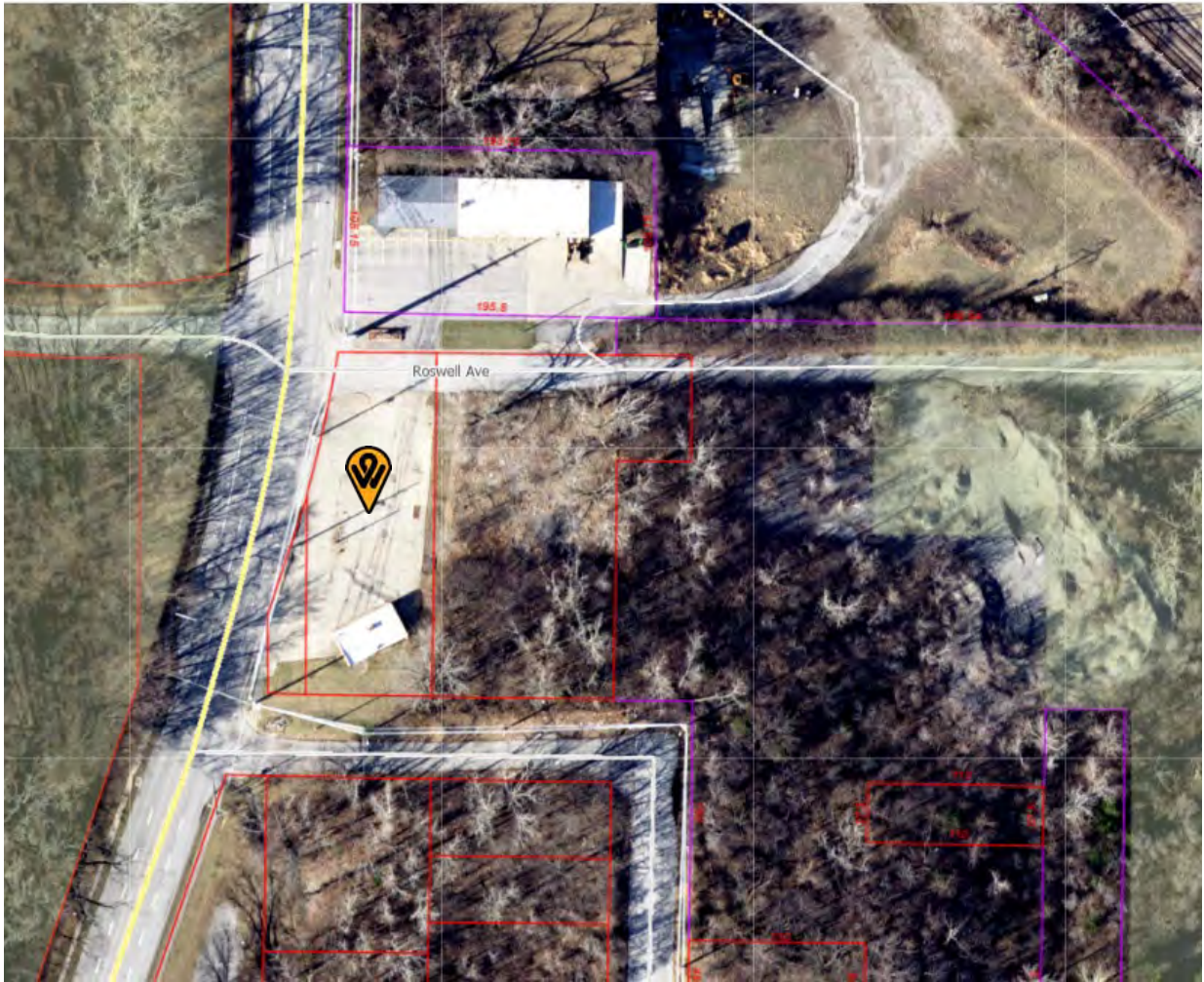


Figure 1. Aerial Photograph of 2959 North 7th Street Trafficway (provided by UG Maps).



Figure 2. Zoning Map of 2959 North 7th Street Trafficway (provided by UG Maps).



Figure 3. Northeast Area Plan Land Use Designation Map of 2959 North 7th Street Trafficway (provided by ArcGIS Pro).

MINUTES:

Application Number: SP2023-115

Date and Location: Monday, January 29, 2024 @ 2959 N 7th Street
Trfwy

Meeting called to order at: 12:00 pm

Names of people in attendance:

Deborah Sage

Angelyn Howell

Kit Howell, Sr.

Presentation by applicant, discussion of parking, hours of operation, and timeframe of start date.

All questions asked by Angelyn Howell and answered by applicant:
located parking area for customers and spaces for vehicles for sale.

Hours of operations: 10:00-6:00

Start date after license are received.

Meeting adjourned at 12:30

Minutes taken by Deborah Sage

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now _____, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP2023-115.
2. That I conducted a neighborhood meeting on Monday, January 29, 2024 @ 12:00.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

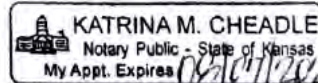
Further affiant saith not.

Dulouh Sage
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29 day of January, 2024.

My commission expires 07 of August, 2025.

Katrina M. Cheadle
Notary Public



I. EXECUTIVE SUMMARY

Cousins Auto Sales (referred to from hereon in as the "Company") is intended to be established as a Limited Liability Company at 2959 N 7th Trfy, Kansas City, Kansas 66101 with the expectation of rapid expansion in the i will promote this business by internet and word of mouth. i'm not expecting to have over 10 vehicles, but quality first. industry.

Business Description

The Company shall be formed as Limited Liability Company under Kansas state laws and headed by Deborah Sage, Angelyn Howell.

Business Mission

Auto sales for this business will be at a minimum of 10 vehicles to begin with and may or may not increase. Making this a safe and fair business environment for customers and the community.

Product

The Company's primary product will be Automotive: Sale of pre-owned vehicles

II. BUSINESS SUMMARY

Industry Overview

In the United States, the i will promote this business by internet and word of mouth. i'm not expecting to have over 10 vehicles, but quality first. industry presently makes 0 dollars in sales.

Research shows that consumers in this industry primarily focus on the following factors when making purchasing decisions: Customers needing to purchase a quality pre-owned vehicles.

Legal Issues

The Company affirms that its promoters have acquired all legally required trademarks and patents.

III. MARKETING SUMMARY

Target Markets

The Company's major target markets are as follows:

Consumers in need of transportation

The estimated number of potential clients within the Company's geographic scope is 100,000.

Services

First-rate service is intended to be the focus of the Company and a cornerstone of the brand's success. All clients will receive conscientious, one-on-one, timely service in all capacities, be they transactions, conflicts or complaints. This is expected to create a loyal brand following and return business.

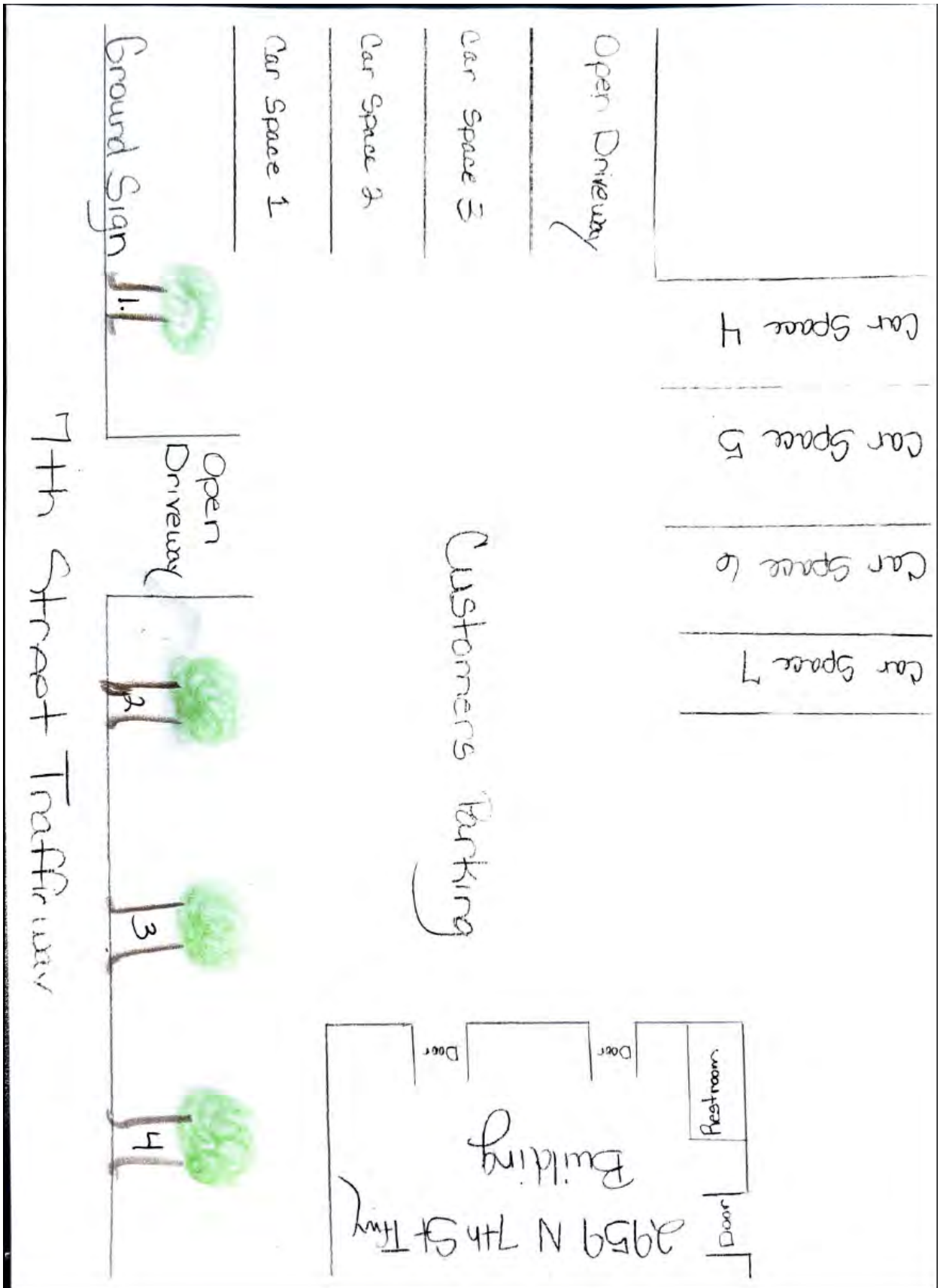




Figure 4. Site Photograph of 2959 North 7th Street Trafficway looking northeast from North 7th Street Trafficway (provided by Planning Staff).



Figure 5. Site Photograph of 2959 North 7th Street Trafficway looking south from Roswell Avenue (provided by Planning Staff).



Figure 6. Site Photograph of 2959 North 7th Street Trafficway looking south from Roswell Avenue (provided by Planning Staff).



Figure 7. Site Photograph of 2959 North 7th Street Trafficway looking southeast from Roswell Avenue (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Special Use Petition SP2023-116

GENERAL INFORMATION

Applicant:

Donna Barnett

Status of Applicant:

Property Owner
910 NW Princeton Square
Bentonville, AR 72712

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

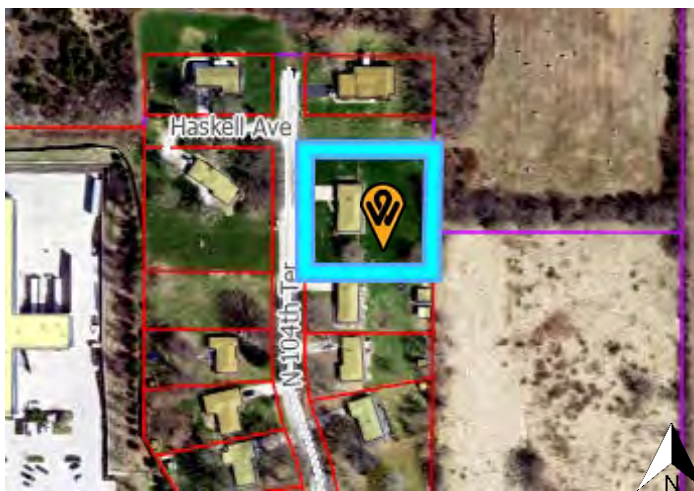
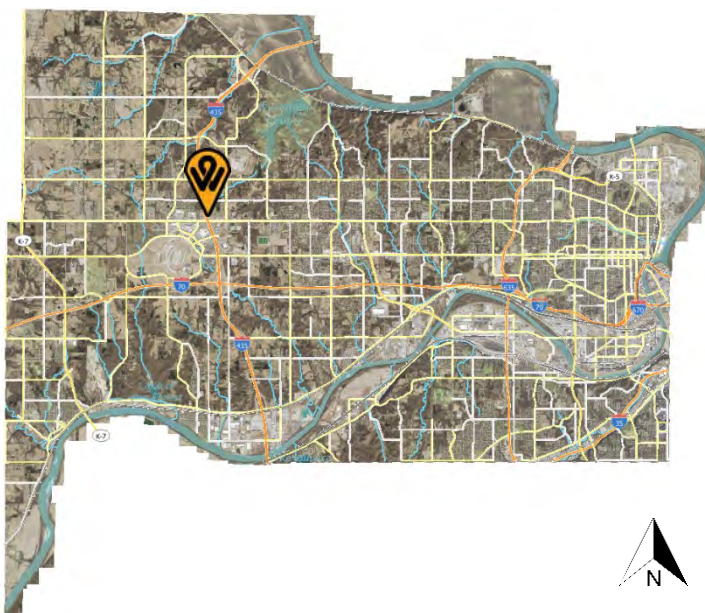
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

2311 North 104th Terrace, Kansas
City, Kansas, 66109

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #5 Commissioner:
Michael Kane



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: A-G Agricultural District West: R-1 Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Undeveloped, farmland West: Single-family residence
Total Tract Size:	0.82 Acre
Comprehensive Plan Designation:	The Prairie Delaware Piper Area Plan designates the subject property as Planned Mixed Residential District, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses.
Major Street Plan:	The goDotte Mobility Plan designates North 104 th Terrace as a Local/Neighborhood Street.
Parking Requirement:	Section 27-454(e) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one of which must be a covered garage or carport”. The property provides four (4) parking spaces, two (2) of which are in a garage.
Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Donna Barnett, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2311 North 104th Terrace, Kansas City, Kansas, 66109. This is not the owner’s primary residence. This is the second short-term rental application for this block, the first application (SP2023-087) was withdrawn.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood. The neighborhood is a single-family subdivision, which is surrounded by the Village West development to the South and West and I-435 to the east. The neighborhood consists of single-family residences, while the surrounding district consists of big-box retail and a commercial shopping center.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1 Single Family District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the commercial corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

It is unclear if the property has been vacant, and if so for how long.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Plan. The area plan designates the subject property as Planned Mixed Residential District, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. Use of the property as a short-term rental conforms to the Area Plan with a Special Use Permit.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of North 104th Terrace, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date from the current applicant. Vibration or dust are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a mostly built-out neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles off-street is three (3). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous Planning Entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Illumination
Noise
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-116 for one (1) year**, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-116 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
2. Maximum number of guests shall be seven (7);
3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
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 maintenance 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. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. 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;
15. 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;

16. 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;
17. 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;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-116** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map – January 18, 2024
Floor Plan
Home Inspection Report
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated January 17, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Approval	

STAFF CONTACT: **Kiley Meierarend**
 kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-116** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-116**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 3:32:00:

SPECIAL USE PERMIT APPLICATION SP2023-116 – DONNA BARNETT -

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 2311 North 104th Terrace. Detailed Outline of Requested Action: The applicant, Donna Barnett, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2311 North 104th Terrace, Kansas City, Kansas, 66109. This is not the owner's primary residence. This is the second short-term rental application for this block, the first application (SP2023-087) was withdrawn.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Donna Barnett, 910 Northwest Princeton Square, Benton, Arkansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:34:03: Planning Director Hand stated that the request is for a Special Use Permit for a non-owner-occupied Short-Term Rental. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor opposition. There are no Notices of Violation. He further stated that two (2) months ago there was an application for a Short-Term Rental on the same block. As that application came in first, Ms. Barnett's application was put on hold.

The other application was ultimately withdrawn after receiving a recommendation of approval by the City Planning Commission which allowed Ms. Barnett's application to then move forward. Staff recommends approval for one (1) year, subject to the conditions in the staff report.

Motion starts at 3:35:01:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-116 for one (1) year:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

1. Any additional repairs not addressed prior to approval of SP2023-116 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
2. Maximum number of guests shall be seven (7);
3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
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 maintenance 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. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);

10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. 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;
15. 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;
16. 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;
17. 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

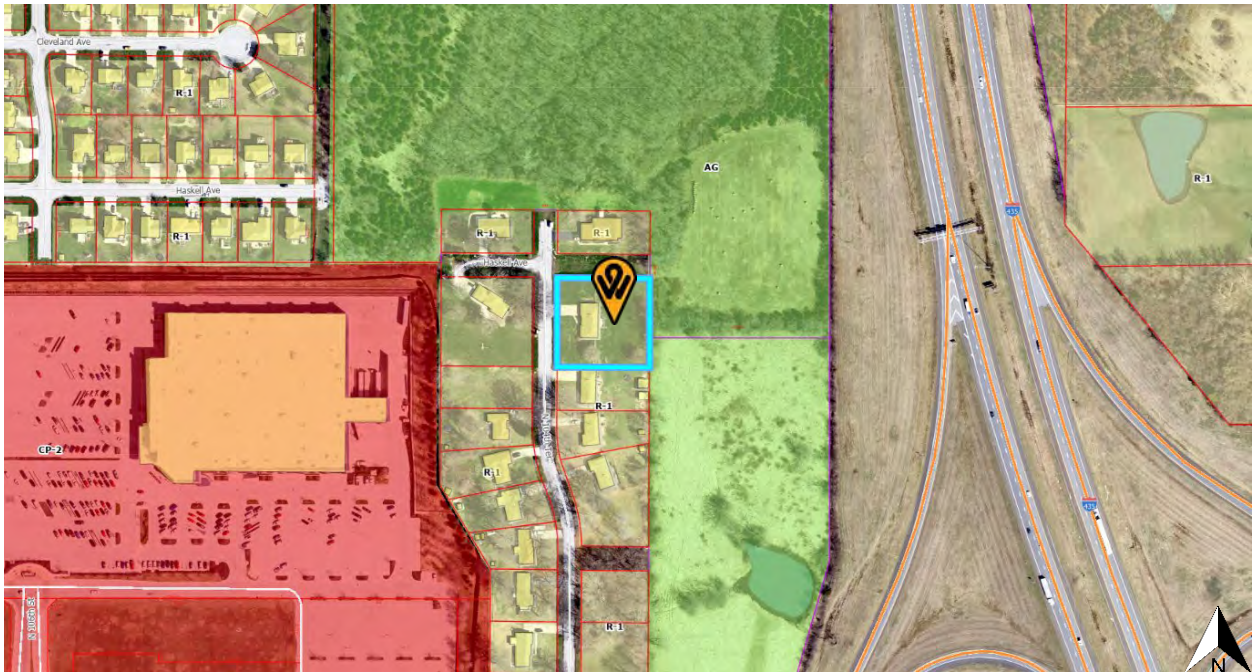
- any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

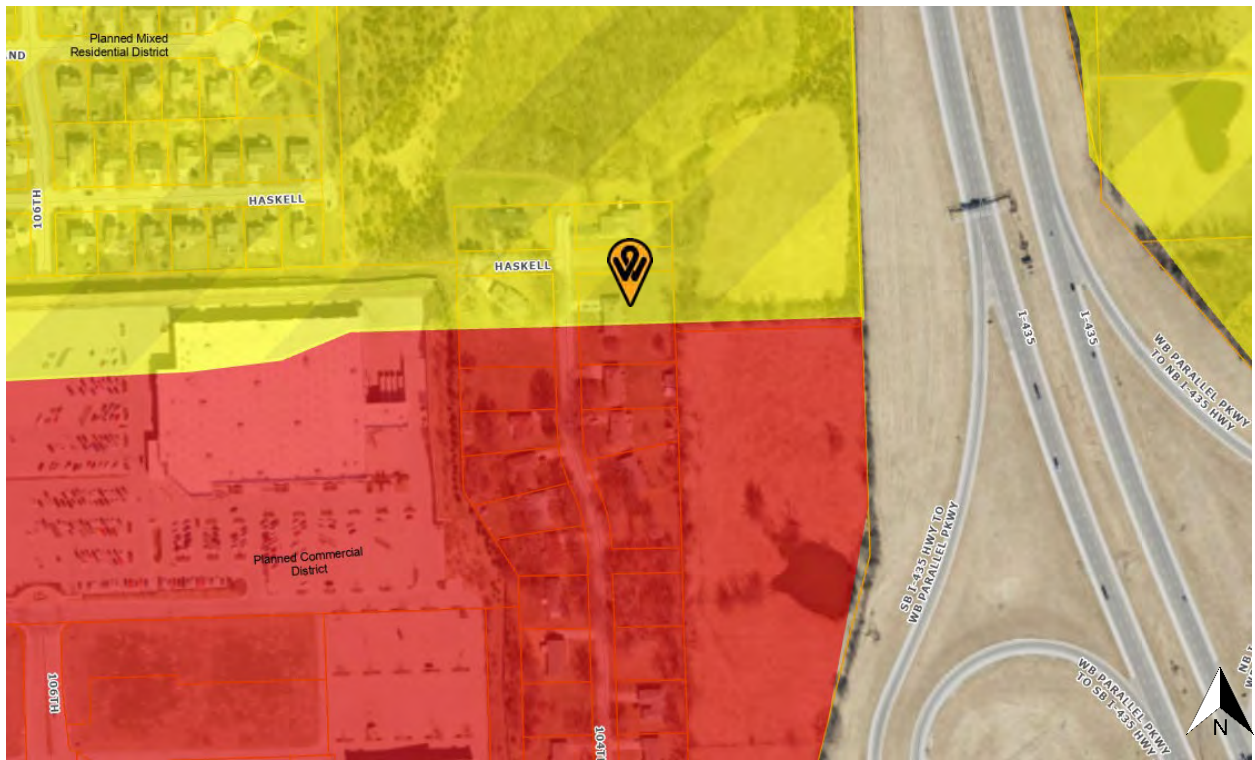
AERIAL IMAGERY



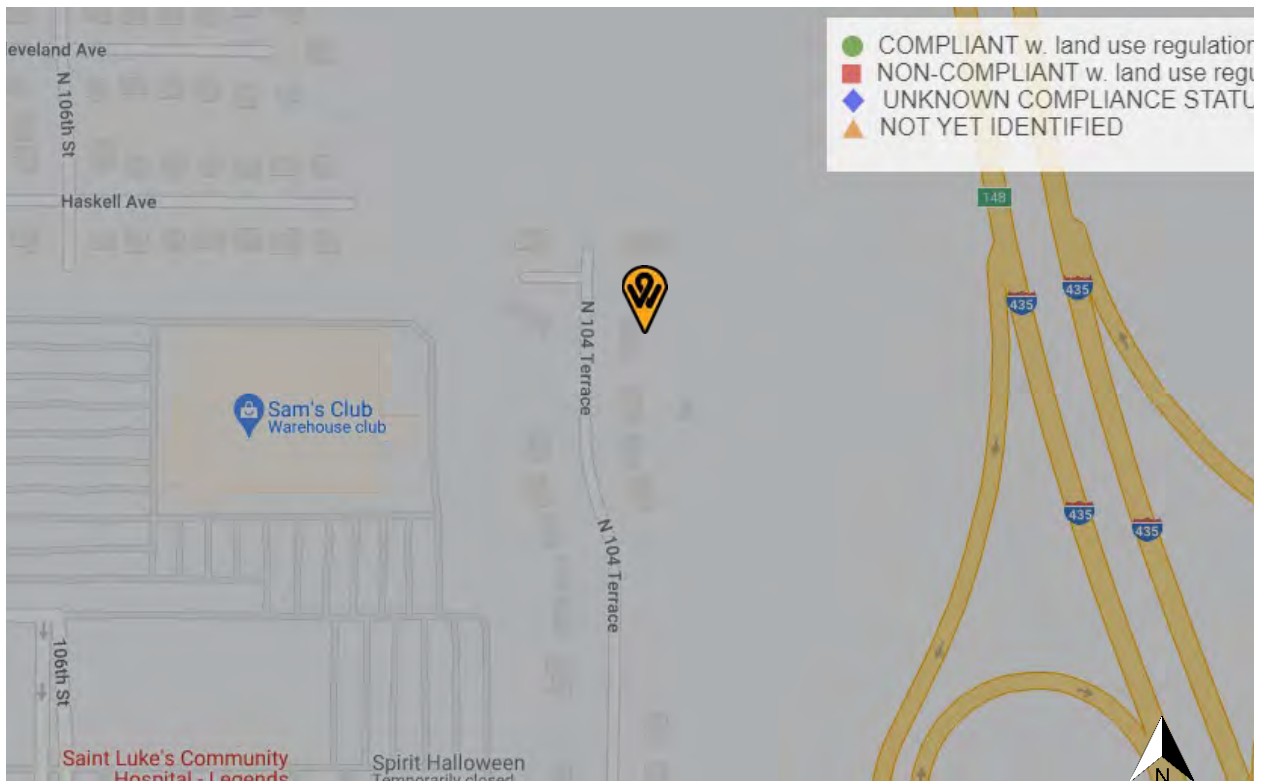
ZONING MAP



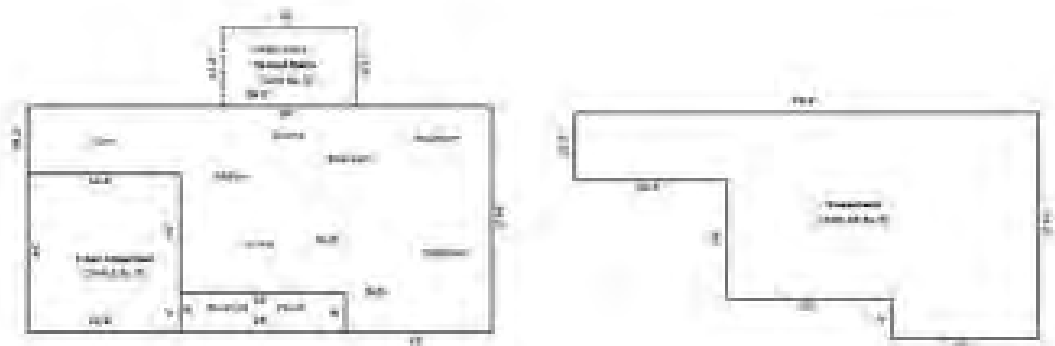
LAND USE MAP



HOST COMPLIANCE MAP – JANUARY 18, 2024



FLOOR PLAN



HOME INSPECTION REPORT

551358-1243

2311 North 104 Terrace, Kansas City, KS 66109

09/14/2023

REPORT SUMMARY

This summary is not the entire report. The complete report may include additional information of concern to the client. It is recommended that the client read the entire report.

2.0 PROPERTY AND SITE

2.2 Landscape / Grading

2.2.1 The landscape is flat or slopes toward the home. The grading should fall a minimum of 6" in the first 10' from the foundation. If this is not possible, a swale or subterranean (French) drains should be installed. Recommend repairing by a qualified contractor to prevent potential moisture entry and related damages. **(Throughout)**

4.0 ROOFING SYSTEM

4.5 Flashings

4.5.1 Flashing for the B vent and plumbing vent are not fastened properly. The current condition can allow for wind-driven rain to penetrate. Recommend properly fastening flashing by a qualified roofer to prevent moisture intrusion and related damages. **(Roof)**

4.6 Roof Drainage

4.6.1 Downspout(s) discharge too close to the home. Recommend extending all downspout(s) a minimum of 4-6 feet away from the home by a qualified contractor to reduce wall deterioration, potential water entry, and subsequent damages. **(Throughout)**

7.0 STRUCTURE

7.4 Floor Structure

7.4.1 Suspected mold was observed on the floor structure. Have the suspected mold tested and repair / remediate as necessary by a qualified contractor to ensure the health of the occupants. **(Basement)**

8.0 ELECTRICAL SYSTEM

8.5 Distribution Panel(s)

8.5.1 Stab Lock Federal Pacific electrical panel is considered unsafe and outdated by the electrical industry. These panels have a reputation of breakers failing to trip and subsequent overheating. Have this evaluated and replaced by a qualified electrician to ensure proper function and safety. **(Basement)**

8.8 Branch Circuit Wiring

8.8.1 Exposed wiring is present at junction boxes in the home. Have a qualified electrician install junction box cover plates to prevent hazards associated with exposed wiring.

- Basement
- Hallway

8.9 Receptacles

8.9.2 Ungrounded and 2-prong outlet(s) were found in the home. Without proper grounding, the electrical current can build up and create a safety hazard, potentially causing electric shock and damage. Recommend repairing by a qualified electrician to ensure safety. **(Throughout)**

8.12 GFCI Devices

8.12.1 GFCI outlets are missing at necessary locations. GFCI outlets are designed to protect people from electric shock by immediately cutting off power if there is any imbalance in the electrical current. Recommend having a qualified electrician install GFCI outlets at these areas for improved electric safety.

- Basement
- Exterior East
- Exterior West
- Garage
- Hallway Bathroom
- Main Bathroom

Bryan Ptacek

Page 1 of 35

9.0 HEATING/COOLING/VENTILATION SYSTEM(S)**9.6 Combustion/Venting**

9.6.1 The Type B vent is in contact with insulation. The vent manufacturer calls for a 1" air gap around the Type B vent to prevent deterioration and for safety. Have a qualified contractor install an insulation to provide 1" of clearance around the Type B vent. **(Garage)**

9.6.2 A fire-stop is missing at the floor penetration for the B vent. Recommend having a qualified contractor install a fire-stop around the B vent at the floor penetration to ensure safety. **(Basement)**

10.0 PLUMBING SYSTEM**10.3 Distribution Piping**

10.3.1 Mineral buildup and leakage is present at the water supply pipes. Recommend repairing by a qualified plumber to prevent moisture damage and loss of function. **(Basement)**

11.0 INTERIOR**11.4 Windows**

11.4.1 The window will not stay open. Recommend repairing by a qualified contractor for improved functionality.

- Back Corner Bedroom
- Back Middle Bedroom

11.4.2 The window will not open. Recommend repairing by a qualified contractor for improved functionality and to ensure egress.

- Family Room
- Main Bedroom

NEIGHBORHOOD MEETING MATERIALS

Meeting Minutes

Applicant Number: **SP2023-116**

Date and Location: **1/29/24 via Zoom call**

Property Address: **2311 N 104th Ter**

Meeting called to order at: **6:27pm**

Names of people in attendance:

- **Zero residents / no persons joined the meeting.**

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked the question or gave the comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: **7:01pm**

Minutes taken by: **Syl Barnett**

January 18th, 2024

Subject: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department #SP2023-116.
The purpose of this special use permit is for a short-term rental at 2311 N. 104th Terrace.
I am having a neighborhood meeting on January 29th at 6:30pm via Zoom conference. See details below to join the meeting.
The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.
I look forward to seeing you at the neighborhood meeting. If you are unable to attend and have questions, please contact me at the phone number or email listed below.

Sincerely,

Donna Ray-Barnett

913-568-5940

Donnabarnett964@gmail.com

Join Zoom Meeting

Topic: Short Term Rental meeting

Time: Jan 29, 2024, 6:30 PM Central Time (US and Canada)

Dial by your location – select any number below.

- +1 346 248 7799 US
- +1 253 205 0468 US
- +1 253 215 8782 US

Meeting ID: 376 994 7265

Dial in Passcode: 210564

or

<https://us04web.zoom.us/j/3769947265?pwd=ABoaTperQjE1lppJy81sgbDcXUjUqk.1&omn=76051696422>

Meeting ID: 376 994 7265

Web/App Passcode: 104th

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Arkansas)
) SS:
COUNTY OF Benton)

Comes now Donna Barnett, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP 2023-116
2. That I conducted a neighborhood meeting on January 29th, 2024 @ 6:30 p.m.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Donna Barnett 1/30/2024
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 3rd day of January, ~~200~~ 2024

My commission expires 11th of February, ~~200~~ 2033

[Signature]
Notary Public







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Special Use Petition SP2023-118

GENERAL INFORMATION

Applicant:

Justin Appleberry and
Mike Howard

Status of Applicant:

Owners
The Davenport
401 North 6th Street
Kansas City, Kansas 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

December 11, 2023

Purpose:

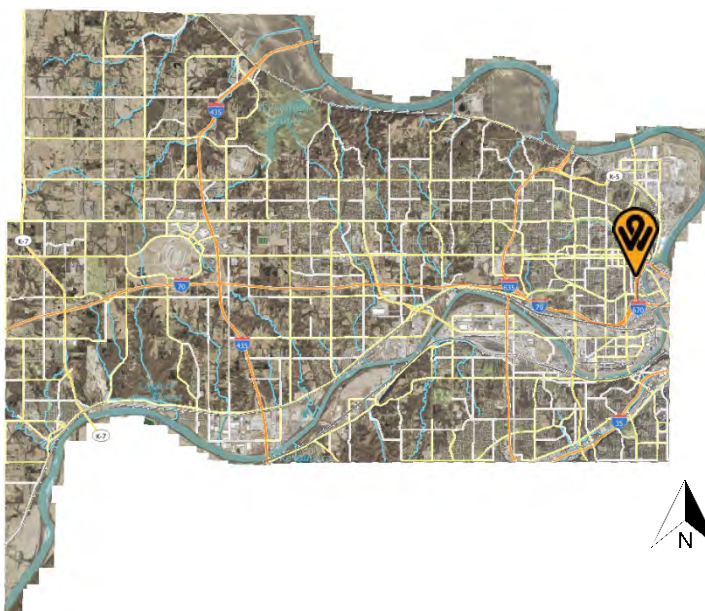
To approve a Special Use Permit to
operate a drinking establishment.

Property Location:

401 North 6th Street
Kansas City, Kansas 66101

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
William (Bill) Burns



Existing Zoning:	TND Traditional Neighborhood Design District, Transect Zone T-4
Adjacent Zoning:	North: TND Traditional Neighborhood Design District South: R-1(B) Single Family District East: TND Traditional Neighborhood Design District West: TND Traditional Neighborhood Design District
Adjacent Uses:	North: Mixed-Use Building South: Single Family Residence East: Vacated Alley and Vacant Lot West: Single Family Residence
Total Tract Size:	0.05 Acre
Comprehensive Plan Designation:	The Central Area Plan designates this property as Urban Density, which allows a mix of detached and attached residential. Allowed building types in the Urban Density Land Use District include single-family homes; attached residences including town homes, duplexes, triplexes, and fourplexes; and, institutional, such as schools, churches and libraries.
Major Street Plan:	The goDotte Mobility Plan designates North 6 th Street as a Minor Collector.
Parking Requirement:	Section 27-472(n)(3)c requires two (2) parking spaces per 1,000 square feet of office or retail space. The subject property is a mixed-use building, with 2,162 square feet of commercial space on the first story where the proposed uses will occur. Although the Zoning Code requires five (5) parking spaces to serve the commercial space, the subject property is a legally non-conforming building that was constructed in 1925 and fills nearly the entirety of the parcel, and therefore no variance from the parking minimum is required.
Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Justin Appleberry and Mike Howard with The Davenport, is requesting a Special Use Permit to operate a drinking establishment with live entertainment (sports watch parties). The subject property, a mixed-use building with a commercial storefront addressed as 401 North 6th Street and a second-story, two (2)-bedroom dwelling unit addressed as 401 H North 6th Street, is within the TND Traditional Design Neighborhood District, Transect Zone T-4.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The previous property owners have not received any noise or disturbance complaints. The current property owner has not received any noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The property has had a history of notices of violation, including:
 - a. 2019 – 19395-00073 – Stop Work Order
 - b. 2019 – 19395-00070 – Stop Work Order
 - c. 2019 – 19220-00509 – Graffiti
 - d. 2017 – 17200-02589 – Environment – Multiple Violations
 - e. 2016 – 16200-03605 – Environment – Multiple Violations
 - f. 2016 – 16200-00197 – Structural - Multiple Violations
 - g. 2015 – 15200-02321 – Environment – Multiple Violations
 - h. 2015 – Five (5) Citations – Graffiti
 - i. 2014 – Four (4) Citations – Graffiti
 - j. 2013 – Seven (7) Citations – Graffiti
 - k. 2012 – 12 Citations – Graffiti
 - l. 2011 – Four (4) Citations – Graffiti
 - m. 2011 – 11200-02155 – Environment – Multiple Violations
 - n. 2010 – 21 Citations – Graffiti
 - o. 2009 – Six (6) Citations – Graffiti
 - p. 2009 – 09220-02558 – Environment – Admin Citation
 - q. 2008 – Two (2) Citations – Graffiti
 - r. 2008 – 08200-07005 – Environment – Weeds
 - s. 2003 – 03220-00025 – Graffiti

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Riverview Statistical Neighborhood and is within the Strawberry Hill Neighborhood Association. The neighborhood is located immediately west of the Kansas River and Interstate-70 and is one of the oldest neighborhoods in Kansas City. Characteristics of the neighborhood include mixed-used buildings with shared walls, sidewalks, and small, dense single-family residential parcels located on side streets off of the main commercial and mixed-use streets—North 5th Street, North 6th Street, and North 7th Street Trafficway. Buildings along this street typically are composed of brick masonry or natural stone. The neighborhood lacks sufficient parking, but is generally walkable with traffic access.

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

The nearby parcels on the 400-block of North 6th Street, on both sides of the public right-of-way, are zoned TND District and thus such mixed uses are anticipated. Current nearby uses include a funeral home, bars, apartment building, tax office, automotive repair, and spiritual consultant. The mixed nature of these uses and current presence of alcohol-serving establishments indicates that a drinking establishment would be compatible. In fact, drinking establishments are encouraged to be located within the commercial or mixed-use areas of denser and walkable neighborhoods in order to reduce the opportunities for drinking and driving by the patrons.

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

The subject property was previously a space used for live entertainment and a drinking establishment. The fact that such uses occurred on a regular basis without incident demonstrates that the subject property is suitable for a drinking establishment that promotes sports-watching parties.

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

The first story space on the subject property, 401 North 6th Street, has been vacant since early 2023 after the closure of Manor Records. The second story is an occupied two (2)-bedroom apartment.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Area Plan. The Central Area Plan designates this property as Urban Density, which allows a mix of detached and attached residential. Allowed building types in the Urban Density Land Use District include single-family homes; attached residences including town homes, duplexes, triplexes, and fourplexes; and, institutional, such as schools, churches and libraries. The subject property is a two (2)-story mixed-use commercial/residential building that is located at the northeast corner of the intersection of North 6th Street and Orville Avenue. The North 6th Street right-of-way includes on-street parking throughout the TND District, which extends for several blocks north of the subject property. Due to a quirk of the block layout, the subject property does not abut a public alley and as a consequence the subject property does not have any on-site parking at all, much less dedicated for residential uses. The lack of on-site parking is legally non-conforming, and is not required to be addressed through an expansion of parking, parking agreement, nor variance. Off-street, off-site parking agreements with nearby businesses are encouraged, however. Therefore, the proposed use conforms closely with the Central Area Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

As previously mentioned, the subject property includes space for live entertainment and which alcohol is served. Even with the transition from a record store to a drinking establishment, the capacity of the first story will remain at 64 persons. As the capacity has not increased, the proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

While it is important to the social and economic life of the community to have open and operating businesses in storefronts, a drinking establishment is not reasonably necessary to the convenience and welfare of the public. While drinking establishments can serve as social hubs, drinking establishments can also lead to health and safety issues, trash, noise, and disorderly conduct. Such issues could have a substantial or permanent injury to the visual quality of the adjoining commercial and residential uses, and to the marketability of adjoining residential properties.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Drinking establishments tend to generate more noise than a restaurant or other commercial use with an equivalent number of patrons or within an equivalent area of floor space. Such noise can be further exacerbated by live entertainment or showing sports on TV. Furthermore, drinking establishments often operate later than other businesses, sometimes as late as 2 AM. During late-night or early-morning hours, even lower levels of noise can be amplified (or perceived to be amplified). Such amplification can cause issues for nearby residential properties, or even the residential unit on the second story of the subject building. The late-night hours of operation of drinking establishments also requires external lighting for the safety of the patrons, and such lighting during late-night hours can cause issues for nearby residents as well. Therefore, several issues related to noise and illumination may be present on the subject property due to the proposed use. Applicant has stated that the drinking establishment will not be open past midnight any day of the week; Applicant should take steps to mitigate such potential issues such as light and amplified noise.

9. Whether the proposed use will pollute the air, land or water.

The proposed use will take place in an existing, operating mixed-use building. There is no proposed expansion of the building. Furthermore, the building takes up almost the entirety of the 0.05-acre parcel, shares a wall with the neighboring building, and is located in one (1) of the most highly concentrated and walkable areas of Kansas City. Given these characteristics of the building and neighborhood, the proposed use is likely to have less of an impact on the air, land, and water than an equivalent use located in a less dense area of the city or within a new development.

10. Whether the use would damage or destroy an irreplaceable natural resource.

As addressed in Factor to be Considered #9, the location of the proposed drinking establishment within a dense, walkable neighborhood and its reuse of the ground floor of a mixed-use building demonstrate the minimal environmental impact that such a use would have. Therefore, for the same reasons, this proposed special use will not damage nor destroy an irreplaceable natural resource.

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

As addressed in Factor to be Considered #8, the late-night hours of a drinking establishment have the potential to cause issues related to noise and lighting. Furthermore, drinking establishments have the potential to cause issues related to alcohol consumption and anti-social behavior. There are, however, benefits to having local drinking establishments—including walkability that reduces the dangerous activity of drunk driving. So long as Applicant takes steps to mitigate noise, lighting, and overconsumption, then the special use can create a gain to the community through social gathering and sales taxes relative to the potential issues that could arise.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

The capacity of the first story will remain at 64 people. As the capacity does not change, then the proposed use will not result in overcrowding of land or cause undue concentrations of population if managed properly.

PREVIOUS ACTIONS

- Approval of a Certificate of Appropriateness (CA-2019-14) to make building alterations in the environs of the Schleifer-McAlpine Residence
- Approval of a Special Use Permit (SP2021-073) to host live entertainment and serve alcohol for two (2) years in 2021.
- Special Use Permit (SP2023-010) to operate a drinking establishment with live entertainment in 2023. This application was withdrawn.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 27, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Legal Non-Conforming Parking
Scope of Operation
Waste Receptacle Location

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-118 for two (2) years**, subject to:

1. **The waste receptacle shall be moved into the rear of the building, not kept on the sidewalk in the public right-of-way;**
2. **A six (6) foot tall, opaque trash enclosure shall be built for the waste receptacle/dumpster. Chain link with plastic or wood slats is not permitted;**
3. **The drinking establishment shall not exceed any more than 64 occupants at any particular time;**
4. **The drinking establishment shall not be open any later than 1:00 AM daily;**
5. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building**

- Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. All entertainment must cease by at least 1:00 AM;
 7. Doors and windows must stay closed during any entertainment performance;
 8. 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;
 9. No amplified speakers or entertainment is allowed in outdoor spaces;
 10. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
 11. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 13. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 14. 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;
 15. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
 18. 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;
 19. 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;

20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
22. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning 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;
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; and,
24. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-118** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floor Plan
Neighborhood Meeting Materials
Site Photos, Provided by the Applicant, Dated December 11, 2023
Site Photos, Taken by Staff, Dated January 12, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-118** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-118**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 3:36:20:

SPECIAL USE PERMIT APPLICATION SP2023-118 – JUSTIN APPLEBERRY WITH THE DAVENPORT - SYNOPSIS: Special Use Permit to operate a drinking establishment at 401 North 6th Street. *Detailed Outline of Requested Action:* The Applicant, Justin Appleberry and Mike Howard with The Davenport, is requesting a Special Use Permit to operate a drinking establishment with live entertainment (sports watch parties). The subject property, a mixed-use building with a commercial storefront addressed as 401 North 6th Street and a second-story, two (2)-bedroom dwelling unit addressed as 401 H North 6th Street, is within the TND Traditional Design Neighborhood District, Transect Zone T-4.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Justin Appleberry, applicant, 22010 West 122nd Street, Olathe, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:28:29: Planning Director Hand stated that the request is for a Special Use Permit for a drinking establishment. He would note that it was not noticed for either an event center or live entertainment. The property is in the Central Area Plan. Staff received no letters in support nor opposition. There are old Notices of Violation associated with the previous operator and should be addressed through the redevelopment of this property. Staff would request a revision in the staff

report as it recommends approval for one (1) year. Director Hand stated that he would like to amend the timeframe to two (2) years subject to the conditions in the staff report.

Motion starts at 3:39:41:

On motion by Mr. Ward, seconded by Ms. Easterwood, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-118 for two (2) years:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

1. The waste receptacle shall be moved into the rear of the building, not kept on the sidewalk in the public right-of-way;
2. A six (6) foot tall, opaque trash enclosure shall be built for the waste receptacle/dumpster. Chain link with plastic or wood slats is not permitted;
3. The drinking establishment shall not exceed any more than 64 occupants at any particular time;
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6. All entertainment must cease by at least 1:00 AM;
7. Doors and windows must stay closed during any entertainment performance;
8. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - e. 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;
 - f. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - g. An I.D. scanner will be used at all times;

- h. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
9. No amplified speakers or entertainment is allowed in outdoor spaces;
 10. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
 11. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
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 14. 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;
 15. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
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 20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 22. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning 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;
 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; and,
 24. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

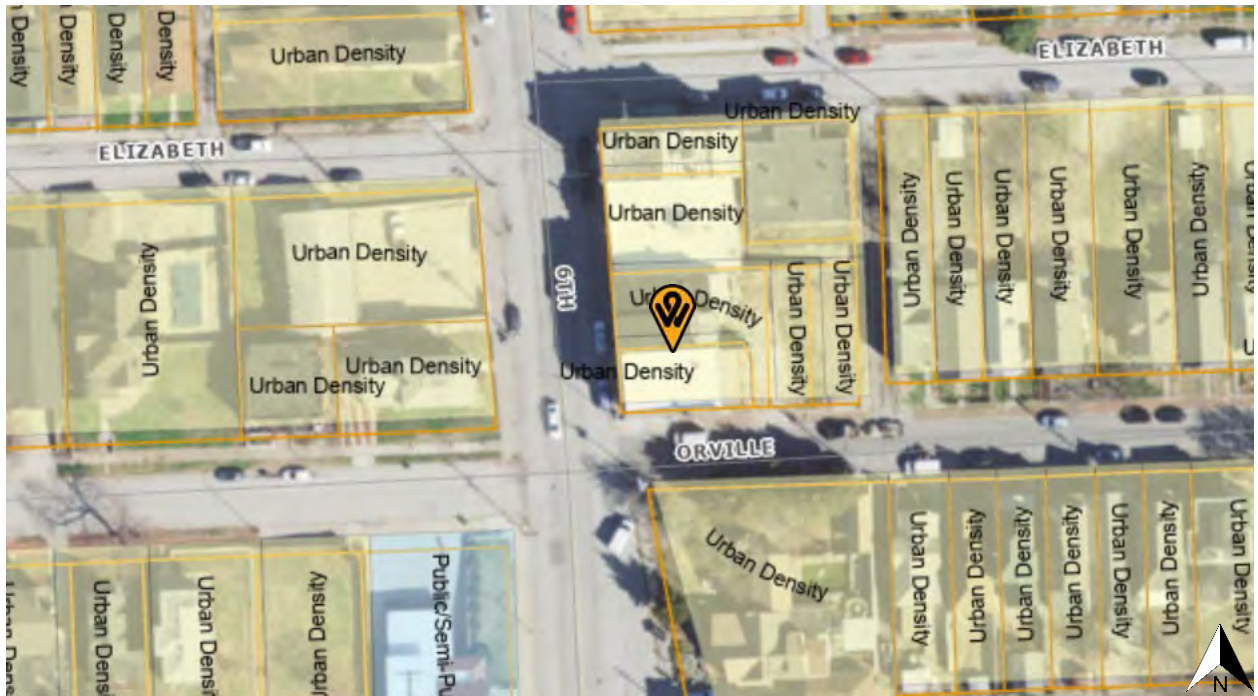
AERIAL IMAGERY



ZONING MAP

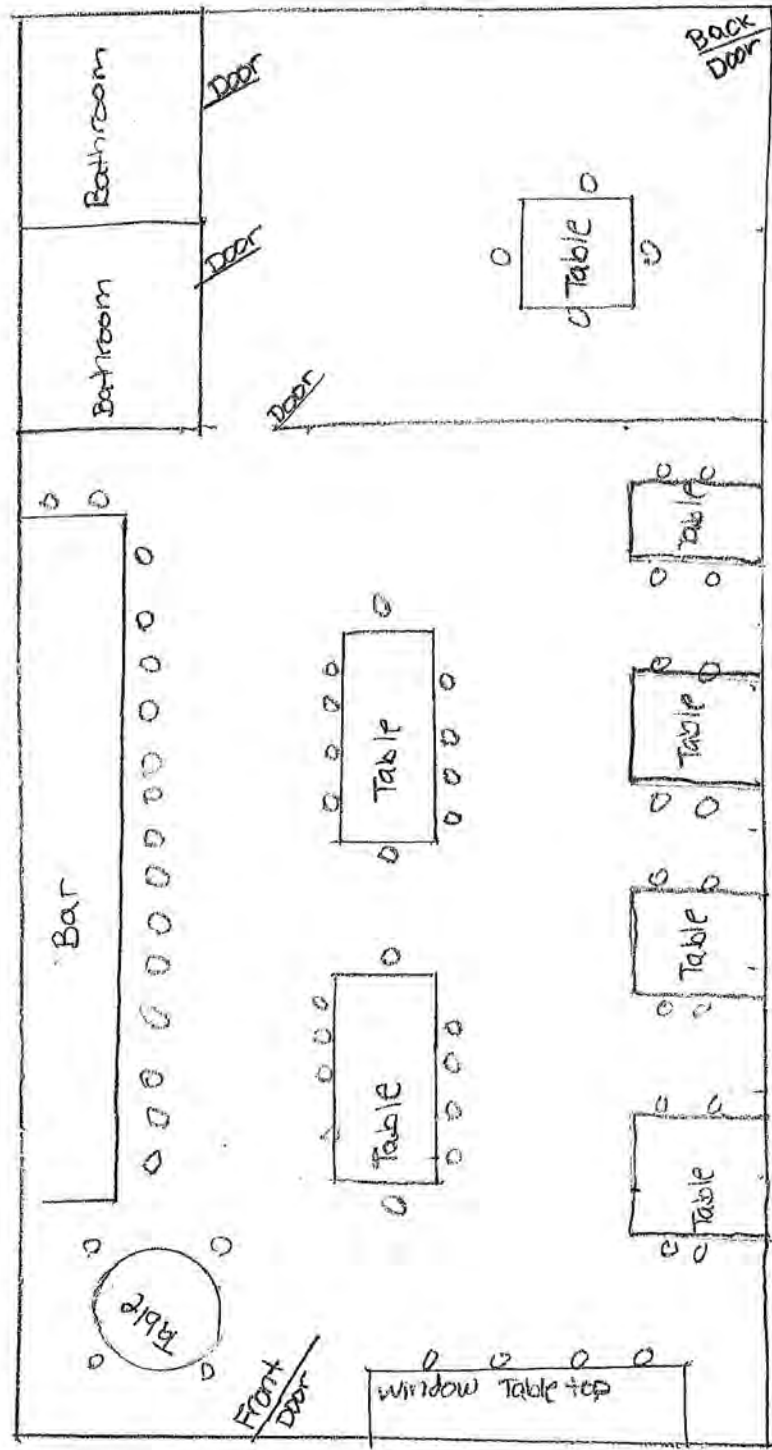


LAND USE MAP



FLOOR PLAN

O - Chair



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Justin Appleberry, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-118
2. That I conducted a neighborhood meeting on 1-27-2024
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

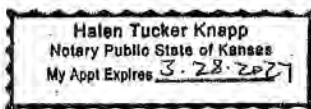
Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of January, 20024

My commission expires 28th of March, 20027

Halen T. Knapp
Notary Public





Community meeting minutes 1/27/2014

- Meeting called to order 5:00pm.
- Three people from the community were present.
- After welcoming remarks from owners, the floor was open to discussion.
- Questions about parking were discussed with the owners of another local establishment giving feedback on how parking works for them. Ride Share promotion for people arriving from outside the community was given as an option.
- Promotional collaboration was discussed as ways to grow Strawberry Hill as a destination hub for the city.
- General "open form" discussion continued for the remainder of the meeting.
- Davenport owner remained at location till 7:00pm to ensure everyone had time to attend.
- Meeting adjured at 7:00pm.



The Davenport Social Sports Pub public meeting sign in sheet

01/27/2024

Joni Boccelewatz Joni Boccelewatz
Printed name Signature

MICHAEL BOCELEWATZ M
Printed name Signature

ROBERT J. REZIN Robert J. Rezin
Printed name Signature

Printed name Signature

Printed name Signature

Printed name Signature



January 11, 2024

Justin Appleberry
22010 W 122nd Street
Olathe, KS 66061

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department #SP2023-118. The purpose of this application is for a special use permit at the following address:

401 N 6th Street
Kansas City, KS 66101

I will be having a neighborhood meeting on January 27, 2024 at 5:00 p.m. at the following address:

401 N 6th Street
Kansas City, KS 66101

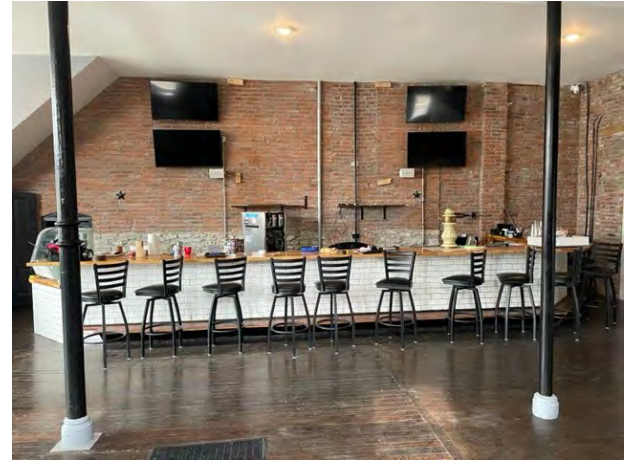
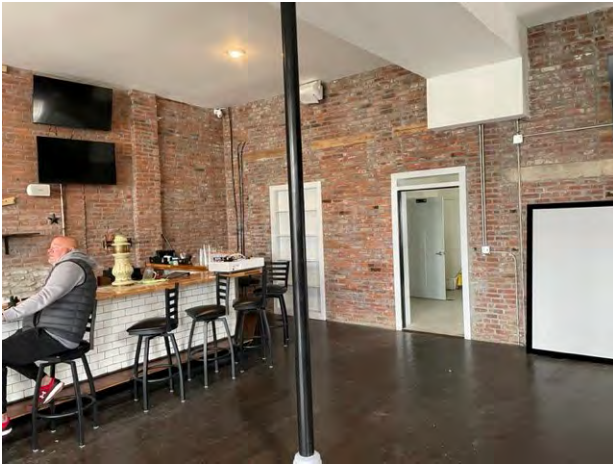
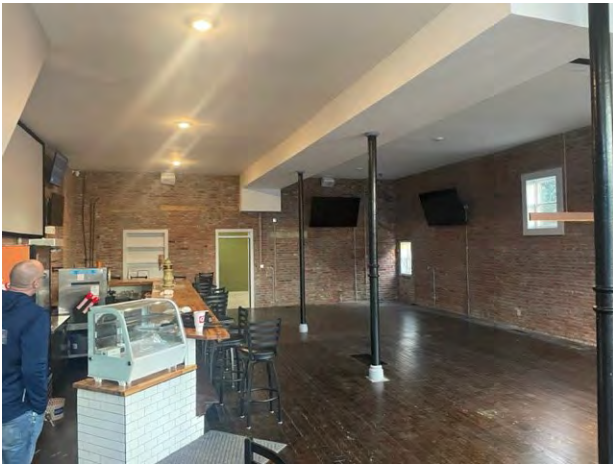
The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please feel free to contact me at the phone number/email listed below.

Sincerely,

Justin Appleberry
Cell - 785/760.0366
Email - justin.m.appleberry@gmail.com

SITE PHOTOS, PROVIDED BY THE APPLICANT, DATED DECEMBER 11, 2023











Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Special Use Petition SP2023-120

GENERAL INFORMATION

Applicant:
Houston DeFoe

Status of Applicant:
Owner
Blue Palm LLC
204 Orchard Street
Kansas City, Kansas 66101

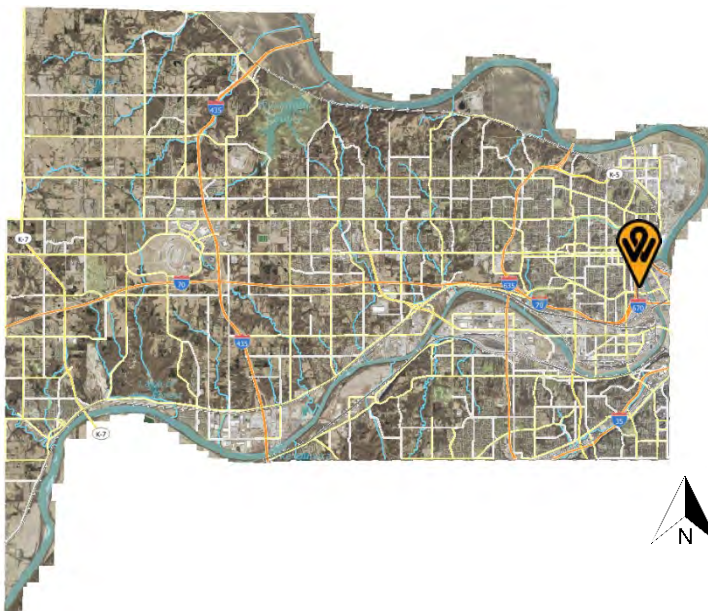
Requested Action:
Approval of two (2) Special Use Permits.

Date of Application:
December 26, 2023

Purpose:
To approve a Special Use Permit to operate a drinking establishment and live entertainment on the 1st floor.

Property Location:
204 Orchard Street
Kansas City, Kansas 66101

Commission Districts:
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
William (Bill) Burns



Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: R-1(B) Single Family and R-2(B) Two Family Districts South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family and duplex residences South: Single-family residences East: Single-family residence and KDOT right-of-way West: Single-family residences
Total Tract Size:	0.06 Acre
Comprehensive Plan Designation:	The Central Area Plan designates this area as Urban Density. This allows for a mix of detached and attached residential such as single-family homes, townhomes, duplexes, triplexes, fourplexes, etc., and institutional uses such as schools, churches, and libraries.
Major Street Plan:	The goDotte Mobility Plan designates Orchard Street and North Hallock Street as Local Streets.
Parking Requirement:	Section 27-464 states that uses in this district require paved, off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The required parking spaces is 44; 38 are for the bar and patio area, four (4) are for the storage spaces/bathrooms/etc. and two (2) are for the residence upstairs. BOZA #2228 was granted on December 12, 2016, which allowed for zero (0) off-street parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	One (1) person appeared in support at the February 12, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Houston DeFoe, is requesting a Special Use Permit to operate a drinking establishment and live entertainment on the first floor at 204 Orchard Street. The applicant has filed another Special Use Permit petition (SP2023-119) to operate a short-term rental on the second floor.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There were two (2) calls for police service during the term of the previous business.
 - a. 2022 – 07/13/2022 – Burglary and Criminal Damage
 - b. 2021 – 06/06/2021 – Unlawful use of Weapons

Building, Zoning, or Code Enforcement Complaints:

1. There has been a history of citations on the subject property:
 - a. 2019 – 19217-00001 – Zoning – Operating without Special Use Permit
 - b. 2015 – 15200-03617 – Environment – Junk and Trash
 - c. 2015 – 15200-01174 – Environment – Grass and Weeds
 - d. 2015 – 15505-00019 – Environment – Trash
 - e. 2014 – 14200-01994 – Environment – Grass and Weeds

Outstanding or Related Permits and Cases:

1. 2016 – BZA 2228 – Variance – Zero Off-Street Parking Spaces
2. 2023 – SP2023-119 – Special Use Permit – Short-Term Rental

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Riverview Statistical Neighborhood, the Strawberry Hill Neighborhood Group and the Central Avenue Betterment Association (CABA) group. The neighborhood is primarily mixed residential in nature, however, there are several small commercial businesses throughout the neighborhood at small-scale nodes.

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

The zoning and uses are set out above. Use of the property as a drinking establishment may create conflicts with nearby residences as well as the short-term rental within the subject property. If managed properly, this should not be an issue.

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

This property is suitable for use as a small commercial business or mixed-use building. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding if either use, the drinking establishment or the short-term rental is not managed properly.

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

The property has been vacant since early 2023 when the previous business ceased operations.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Area Plan. The Central Area Plan designates this area as Urban Density. This allows for a mix of detached and attached residential such as single-family homes, town homes, duplexes, triplexes, fourplexes, etc., and institutional uses such as schools, churches, and libraries. The proposed use of a drinking establishment does not conform to the Central Area Master Plan as it is for a small commercial business rather than a residence. A Master Plan Amendment to Mixed-Use is required.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed uses will inherently increase traffic in the area, however, the property has been previously used as a drinking establishment with live entertainment with no reported issues previously, so it is expected that there will be no additional issues provided the property is managed in a similar manner.

Additionally, this property received a variance in 2016 (BZA 2228) to allow for zero (0) off-street parking spaces to be provided on the property, either for use as drinking establishment or use as a rental, short-term or long-term.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed uses provide a convenience to the public in the form of a gathering space for the public, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties

negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise, vibration and illumination are common issues that are related to the proposed use. There had been previous calls for police service at the former business, however, none to date since that business ceased operation. If both uses are managed properly, this is not expected to be an issue.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water as it is an existing, permitted mixed-use building.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing mixed-use building in a built-out neighborhood.

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

The relative gain or loss to public health, safety and welfare is minimal as it only provides the convenience of entertainment and gathering with some economic benefit. If denied, the landowner could not use the property as a drinking establishment with live entertainment but may still use the property as a long-term rental, their primary residence, as well as a small-scale commercial business or sell the property.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

Each of the proposed uses present the issue of overcrowding of land and undue concentrations of populations if not managed properly. The applicant is limited to the posted occupancy limit set by the fire department. If the applicant abides by these the outlined conditions, undue concentrations of population and overcrowding of land is not expected to be an issue.

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP-2016-100) for two (2) years in 2016 to operate a drinking establishment.
- Approval of a Parking Variance (BZA 2228) to allow zero (0) off-street parking spaces in 2016.
- Approval of a Special Use Permit (SP-2019-21) for two (2) years in 2019 to operate a drinking establishment.
- Approval of a Special Use Permit (SP2021-015) for two (2) years in 2021 to operate a drinking establishment.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Illumination
Noise
Overcrowding
Parking
Traffic
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-120 for two (2) years**, subject to:

1. **The applicant shall file a Master Plan Amendment to amend the Plan Designation from Urban Density to Mixed-Use. This Special Use Permit will not be published until staff has received an application for a Master Plan Amendment;**
2. **The applicant shall complete the process for SP2023-119 if they wish to operate the short-term rental on the 2nd floor of the building;**
3. **Repair and maintain the brick sidewalk surrounding the bar;**
4. **Plant low lying shrubs and/or a small tree, no taller than three (3) feet in the open triangle front-yard to help buffer the use as well as meet commercial landscaping requirements;**
5. **The applicant shall relocate the waste receptacle to allow for the driveway to be used as parking for the upstairs dwelling unit;**
6. **The applicant shall construct a screening fence for the waste receptacle that is six (6) feet tall;**

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 entertainment must cease by at least 1:00 AM;
9. Doors and windows must stay closed during any entertainment performance;
10. 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;
11. No amplified speakers or entertainment is allowed in outdoor spaces;
12. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
13. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
14. The property must remain in proper maintenance and free of hazards, pests, or infestations;
15. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
16. 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;
17. All exterior lighting, whether mounted on a building or within a parking lot 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;
18. 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;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

21. 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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
23. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
24. 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;
25. 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;
26. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
27. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all

conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-120** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map – January 17, 2024
Floor Plan
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated January 12, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-120** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-120**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 3:40:47:

SPECIAL USE PERMIT APPLICATION SP2023-120 – HOUSTON DEFOE WITH THE BLUE PALM LLC - SYNOPSIS: Special Use Permit for a drinking establishment at 204 Orchard Street (downstairs). Detailed Outline of Requested Action: The applicant, Houston DeFoe, is requesting a Special Use Permit to operate a drinking establishment and live entertainment on the first floor at 204 Orchard Street. The applicant has filed another Special Use Permit petition (SP2023-119) to operate a short-term rental on the second floor.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Houston Defoe, applicant, Blue Palm LLC, 204 Orchard Street, Kansas City, Kansas
- Dan Doy, 2525 North 73rd Street, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:43:40: Planning Director Hand stated that this is another Special Use Permit for a drinking establishment. The property is in the Central Area Plan. Staff received no letters in support nor opposition. There are some older

Notices of Violation associated with the previous owner/operation that will all be addressed by the redevelopment of this property. Staff recommends approval of this application for two (2) years with the conditions in the staff report. The property has a parking variance on the property. The associated Special Use Permit for a Short-Term Rental was held over and will be heard in March 2024.

Motion starts at 3:44:50:

On motion by Mr. Ward, seconded by Ms. Easterwood, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-120 for two (2) years:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

1. The applicant shall file a Master Plan Amendment to amend the Plan Designation from Urban Density to Mixed-Use. This Special Use Permit will not be published until staff has received an application for a Master Plan Amendment;
2. The applicant shall complete the process for SP2023-119 if they wish to operate the short-term rental on the 2nd floor of the building;
3. Repair and maintain the brick sidewalk surrounding the bar;
4. Plant low lying shrubs and/or a small tree, no taller than three (3) feet in the open triangle front-yard to help buffer the use as well as meet commercial landscaping requirements;
5. The applicant shall relocate the waste receptacle to allow for the driveway to be used as parking for the upstairs dwelling unit;
6. The applicant shall construct a screening fence for the waste receptacle that is six (6) feet tall;
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9. Doors and windows must stay closed during any entertainment performance;
10. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - e. 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;
 - f. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - g. An I.D. scanner will be used at all times;
 - h. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
11. No amplified speakers or entertainment is allowed in outdoor spaces;
12. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
13. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
14. The property must remain in proper maintenance and free of hazards, pests, or infestations;
15. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
16. 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;
17. All exterior lighting, whether mounted on a building or within a parking lot 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;
18. 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;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
21. 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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The

- property may also be subject to enforcement actions and administrative citations;
23. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 24. 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;
 25. 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;
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 27. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

AERIAL IMAGERY



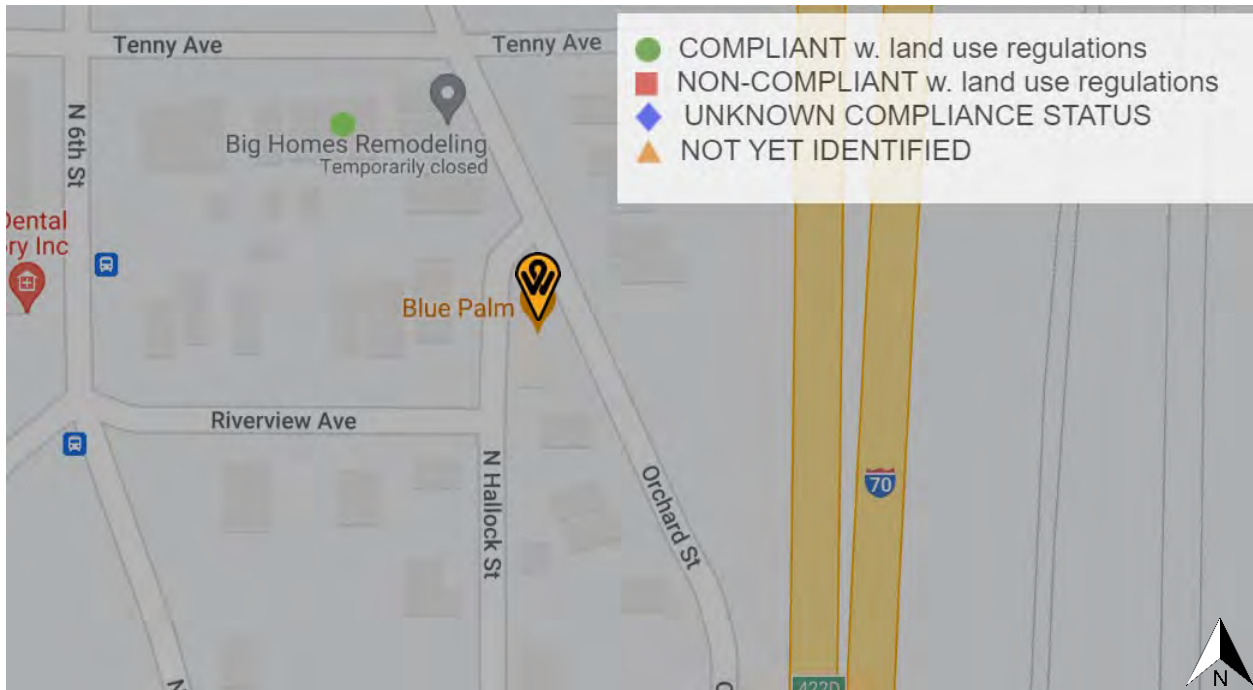
ZONING MAP



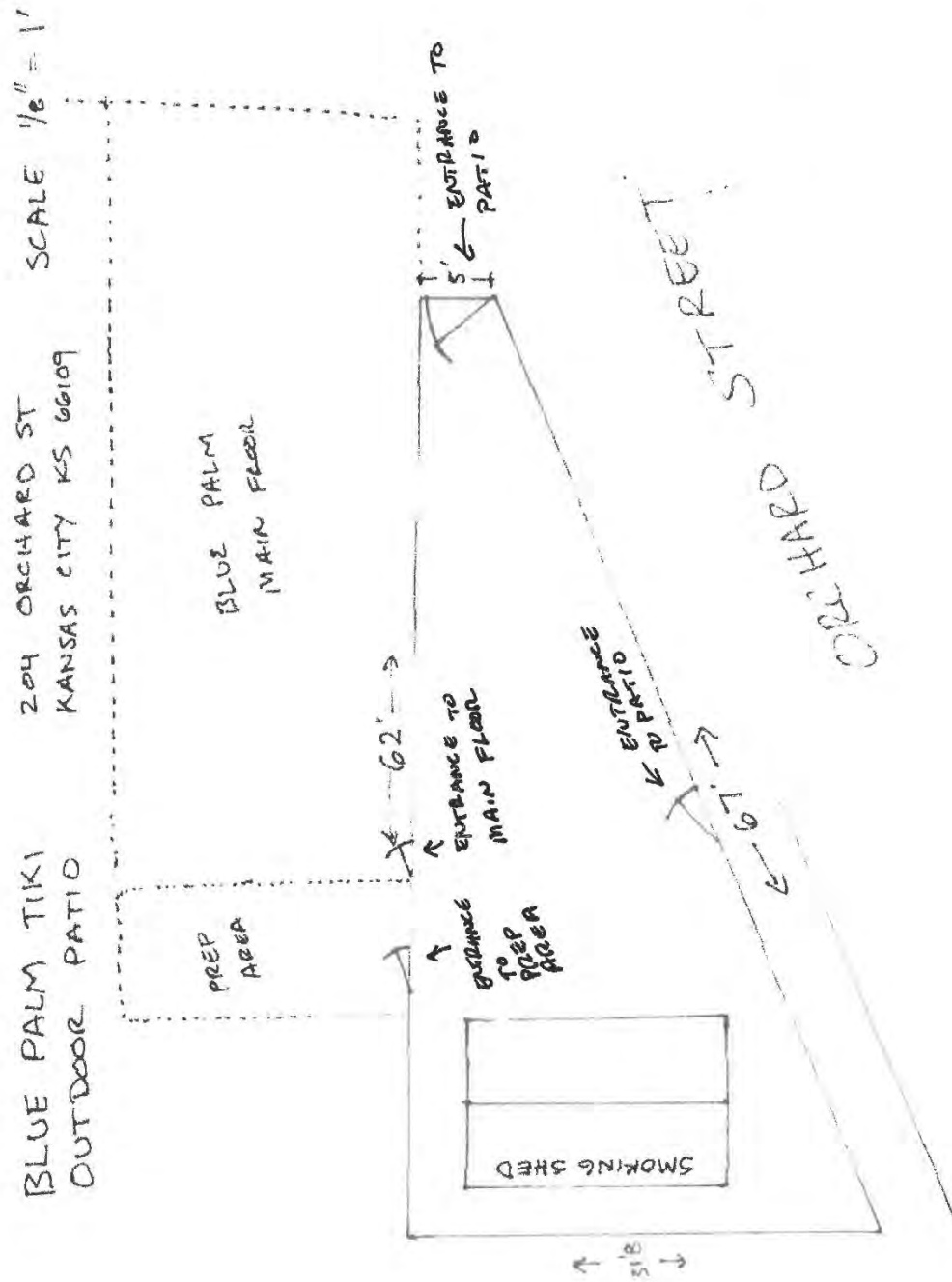
LAND USE MAP



HOST COMPLIANCE MAP – JANUARY 17, 2024



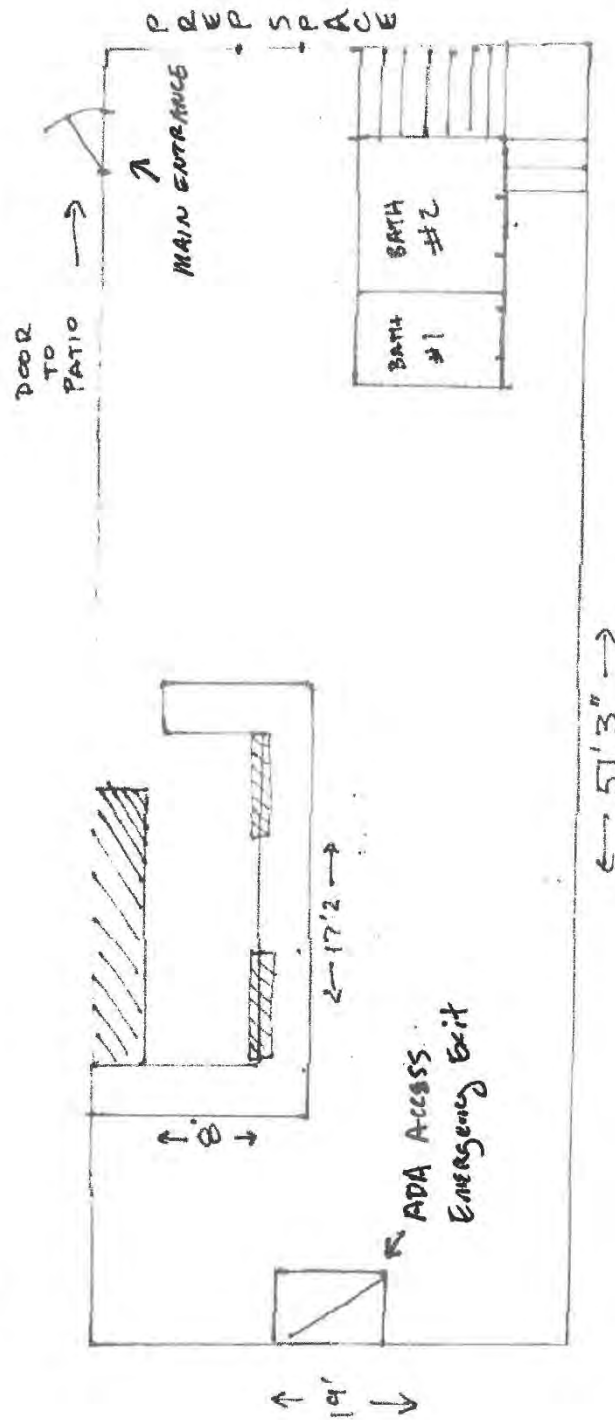
FLOOR PLAN



BLUE PALM TIKI 204 ORCHARD ST
 FIRST FLOOR KANSAS CITY KS 66109

E
 N ↗
 Scale 3/16" = 1'

← ALCOHOL STORAGE



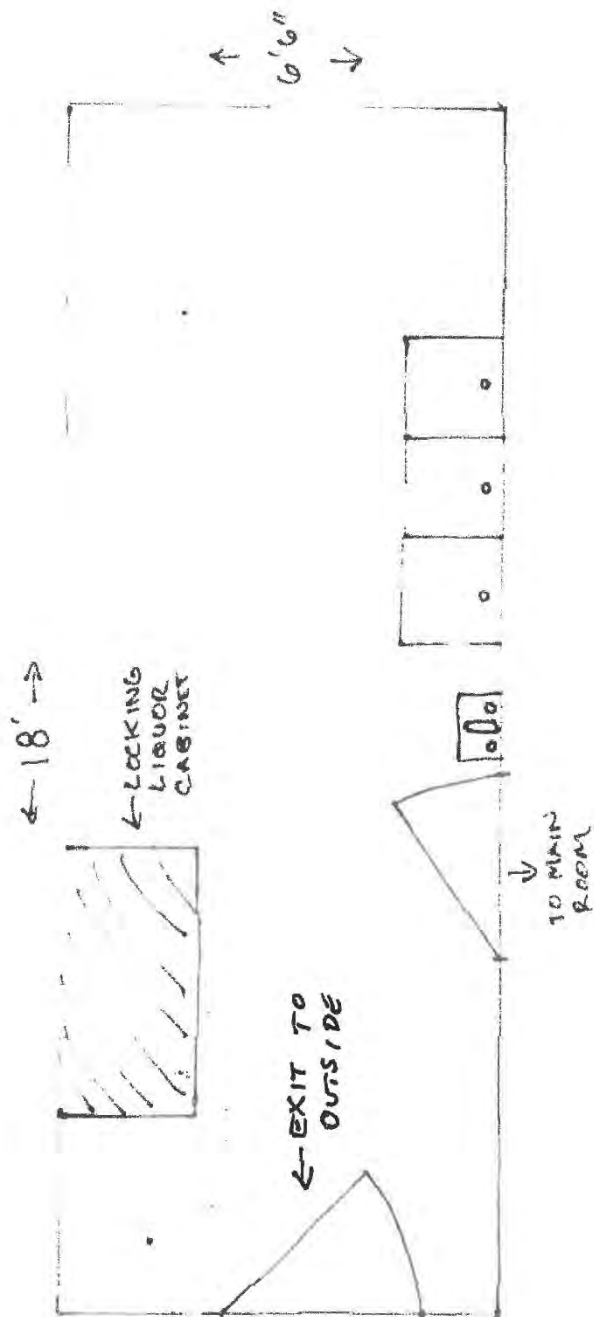
BLUE PALM TIKI
PREP SPACE
1st FLOOR - OFF MAIN ROOM

204 ORCHARD ST
KANSAS CITY, KS 66109

Scale $\frac{1}{2}" = 1'$

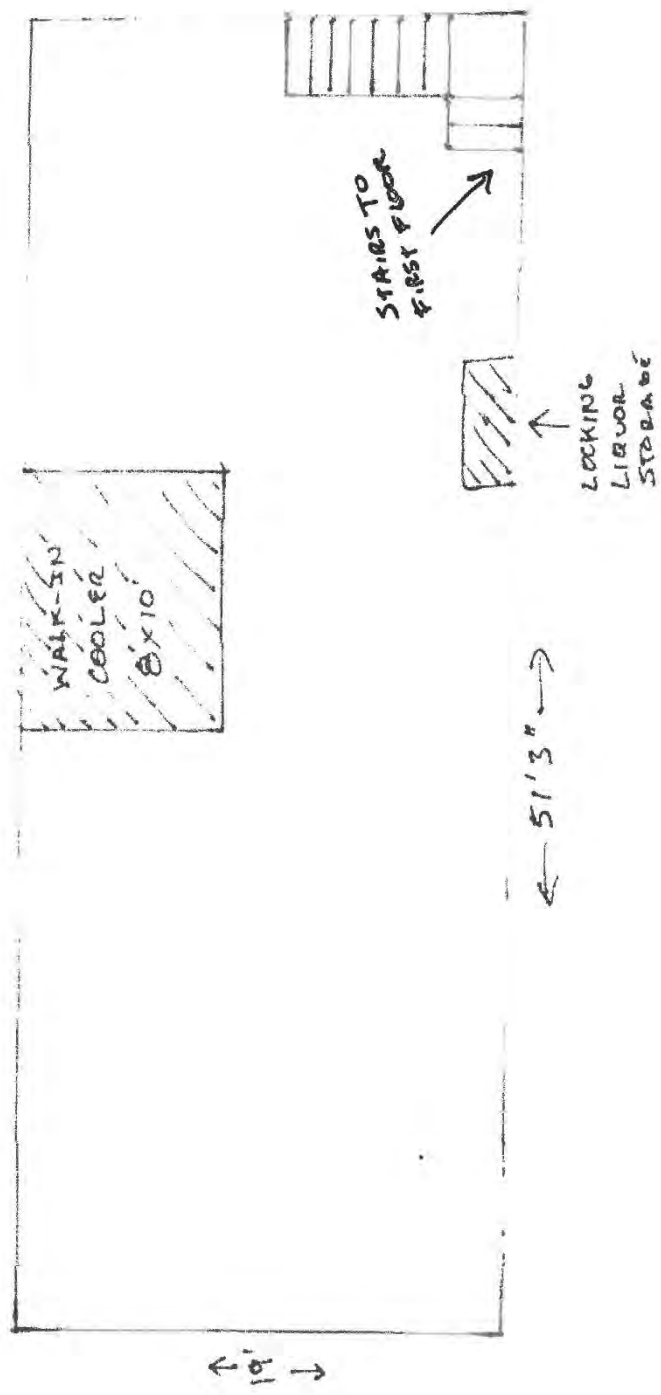
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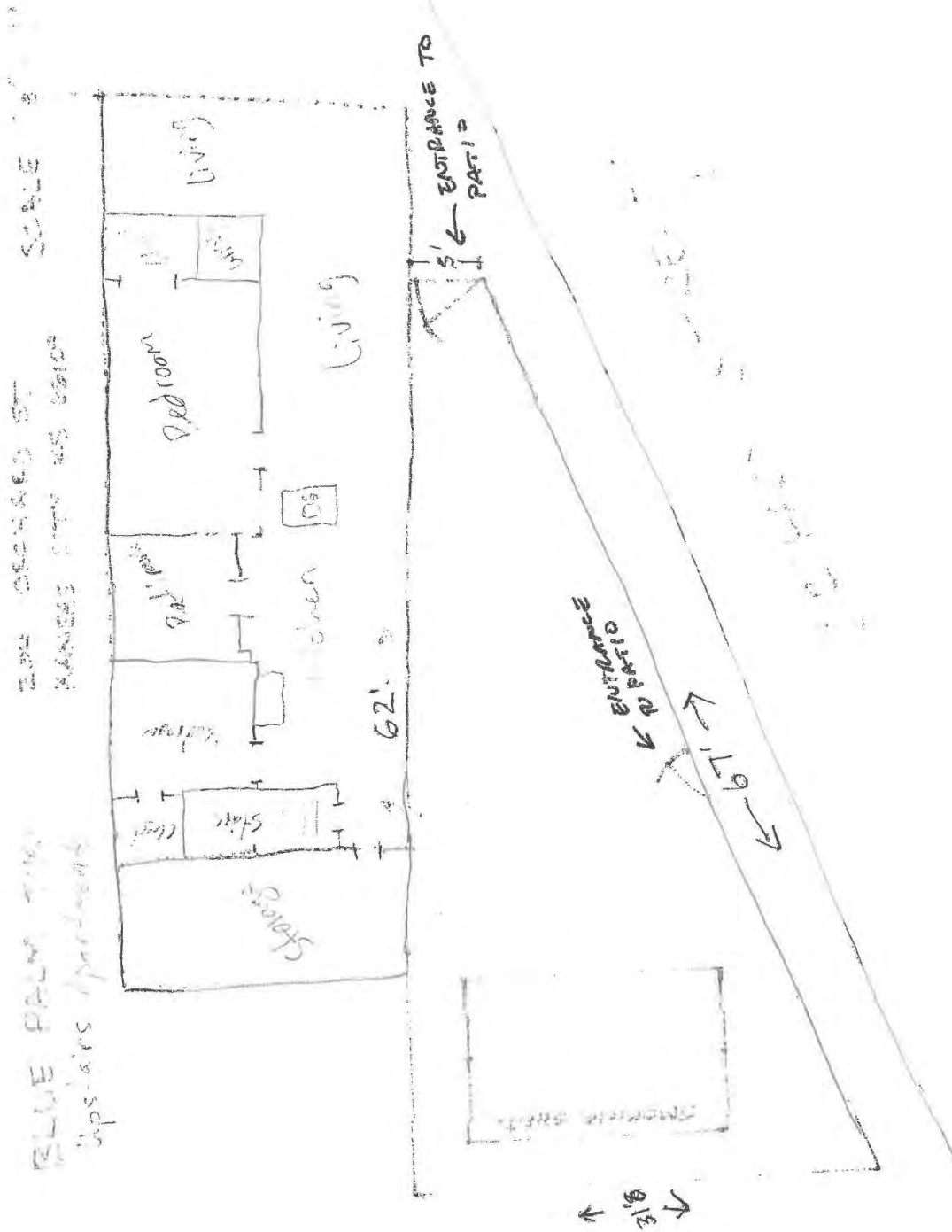
← ALCOHOL STORAGE



BLUE PALM TIKI
BASEMENT
204 ORCHARD ST
KANSAS CITY KS 64109

← ALCOHOL STORAGE





NEIGHBORHOOD MEETING MINUTES

Dear Neighbor,

My name is Houston DeFoe and I am a Co-owner of Blue Palm LLC which is building a tiki lounge at 204 Orchard Street, Kansas City, KS 66101 where the previous Mockingbird Lounge used to be located. The lounge we are building will be open Wednesday through Sunday and will be a higher end style cocktail lounge. The second floor apartment would become an short term rental like Airbnb. There wouldn't be any major construction to the building as the interior is getting the original floors redone, new paint, light fixtures, furniture, etc. Our plan is to host a Zoom meeting for the neighbors to jump on and join us with any questions you may have. If you have driven by the establishment, you may have seen the property getting cleaned up in terms of exterior landscaping, removal of trash and some fresh paint to come. Our goal is to be a great steward in the neighborhood and add a high-end attraction for locals to enjoy upscale cocktails and even great views if enjoying the east facing deck. Please feel free to join us.

Who: Blue Palm Tiki Lounge

Meeting Date and Time: Sunday, January 28th at 6pm.

Link for Zoom meeting:

<https://us04web.zoom.us/j/77662647333?pwd=sdTMBahHbGeSwWqV2lulqCgdV2P0s.1>

Meeting ID: 776 6264 7333

Passcode: F0SHHX

If you have any questions about the upcoming meeting, please contact me at 816-896-8537 or by email at bluepalmtiki@gmail.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Clay) SS:

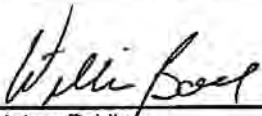
Comes now Houston DeFoe, of lawful age, sound mind and upon his/her oath states as follows:

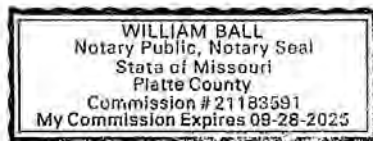
1. That I am the petitioner for Petition #SP2023-119 AND SP2023-120 - 204 ORCHARD STREET
2. That I conducted a neighborhood meeting on January 29th, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29 day of January, 2024
My commission expires 9 of 28, 2025.


Notary Public



Neighborhood Meeting Minutes:

Application Number: SP2023-119 AND SP2023-120 - 204 ORCHARD STREET

Date and Location: January 29th, 2024 via Zoom

Meeting called to order at: 6:00pm

Names of people in attendance: Raquel Danner, Dan Doty, Houston DeFoe and Robert Lyons

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

Question 1: Robert "Bob" Lyons asked if he could have 1 brick from the side of our building (extra sidewalk bricks) that he noticed as someone stole a brick from in front of his building across the street and it has been a trip hazard since. We approved to share an extra brick that was already on the side of the building.

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 6:35p

Minutes taken by: Houston T. DeFoe











Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: **Special Use Petition SP2023-121**

GENERAL INFORMATION

Applicant:

Jessica Moreno

Status of Applicant:

Property Owner
2006 Wyandotte St., Apt 306
Kansas City, MO 64108

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

November 27, 2023

Purpose:

To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

611 Douglas Avenue
Kansas City, Kansas 66103

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	R-2(B) Two Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-2(B) Two Family District East: R-2(B) Two Family District West: R-2(B) Two Family District
Adjacent Uses:	North: Single-Family Residence South: Two-Family Residence East: Two-Family Residence West: Two-Family Residence
Total Tract Size:	0.12 acre
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Low-Density Residential, which allows for single-family homes.
Major Street Plan:	The goDotte Mobility Plan designates Douglas Avenue as a Local/Neighborhood Street.
Parking Requirement:	Section 27-457(d) states “One (1) parking space for each dwelling unit shall be provided on the premises”. The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.
Public Opposition:	One (1) person appeared in opposition at the February 12, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jessica Moreno, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 611 Douglas Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 600 block of Douglas Avenue.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. 2024 - STR24-0015: Structural - Incorrect placement of address numbers.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Shawnee Heights Statistical Neighborhood, the Shawnee Road Neighborhood Group and the Rosedale Development Association (RDA) group. The neighborhood consists of both single-family residences and two-family residences with small to medium-sized lots.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the R-2(B) Two-Family District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties which are mostly residential. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is a newly constructed single-family residence, which was completed in 2023. The property has not been issued a Certificate of Occupancy.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the City-Wide Comprehensive Plan. The Comprehensive Plan designates the subject property as Low-Density Residential which allows for single family homes. The use as a short-term rental conforms to the Comprehensive Plan with a Special Use Permit.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of Douglas Avenue, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a mostly built-out neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental, but may still use the property as a long-term rental, their primary residence, or sell the property.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is five (5). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 23, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Certificate of Occupancy
Home Inspection Report
Illumination
Noise
Notice of Violation
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-121 for one (1) year**, subject to:

- 1. Applicant shall correct the structural violation (STR24-0015) before the publication of this permit;**

2. Any additional repairs not addressed prior to approval of SP2023-121 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
3. Maximum number of guests shall be five (5);
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
11. 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;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The

property may also be subject to enforcement actions and administrative citations;

17. 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.
18. 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;
19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-121** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Site Plan
Home Inspection Report
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated January 12, 2024
Certificate of Occupancy
Photographs Submitted by Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Approval	

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-121** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-121**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 3:45:49:

SPECIAL USE PERMIT APPLICATION SP2023-121 – JESSICA MORENO WITH NEXT GUEST KC - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 611 Douglas Avenue. Detailed Outline of Requested Action: The applicant, Jessica Moreno, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 611 Douglas Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 600 block of Douglas Avenue.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Jessica Moreno, 2006 Wyandotte Street, Apt. 306, Kansas City, Missouri 64108

Present in Opposition:

- Gabriel Casares, 108 North 76th Street, Kansas City, Kansas

Staff Recommendation starts at 3:50:07: Planning Director Hand stated that the request is for a non-owner-occupied Special Use Permit Short-Term Rental. The property is located in the PlanKCK area. Staff received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for one (1) year subject to the conditions in the staff report. Director Hand stated that this property has a structural issue so the Special Use Permit Ordinance publication will be held until the problem is fixed.

Motion starts at 3:51:27:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-121 for one (1) year:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. Applicant shall correct the structural violation (STR24-0015) before the publication of this permit;
2. Any additional repairs not addressed prior to approval of SP2023-121 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
3. Maximum number of guests shall be five (5);
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
11. 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;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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;
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 17. 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.
 18. 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;
 19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any

- application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

AERIAL IMAGERY



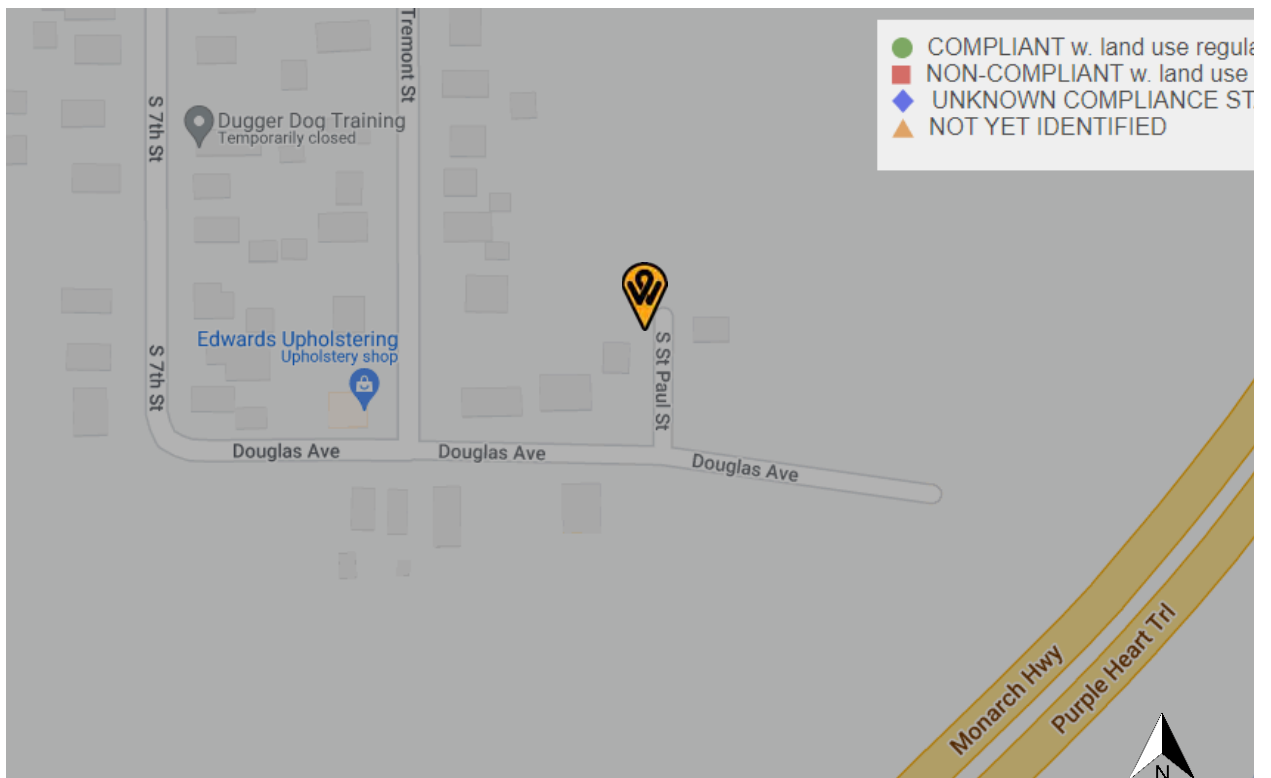
ZONING MAP

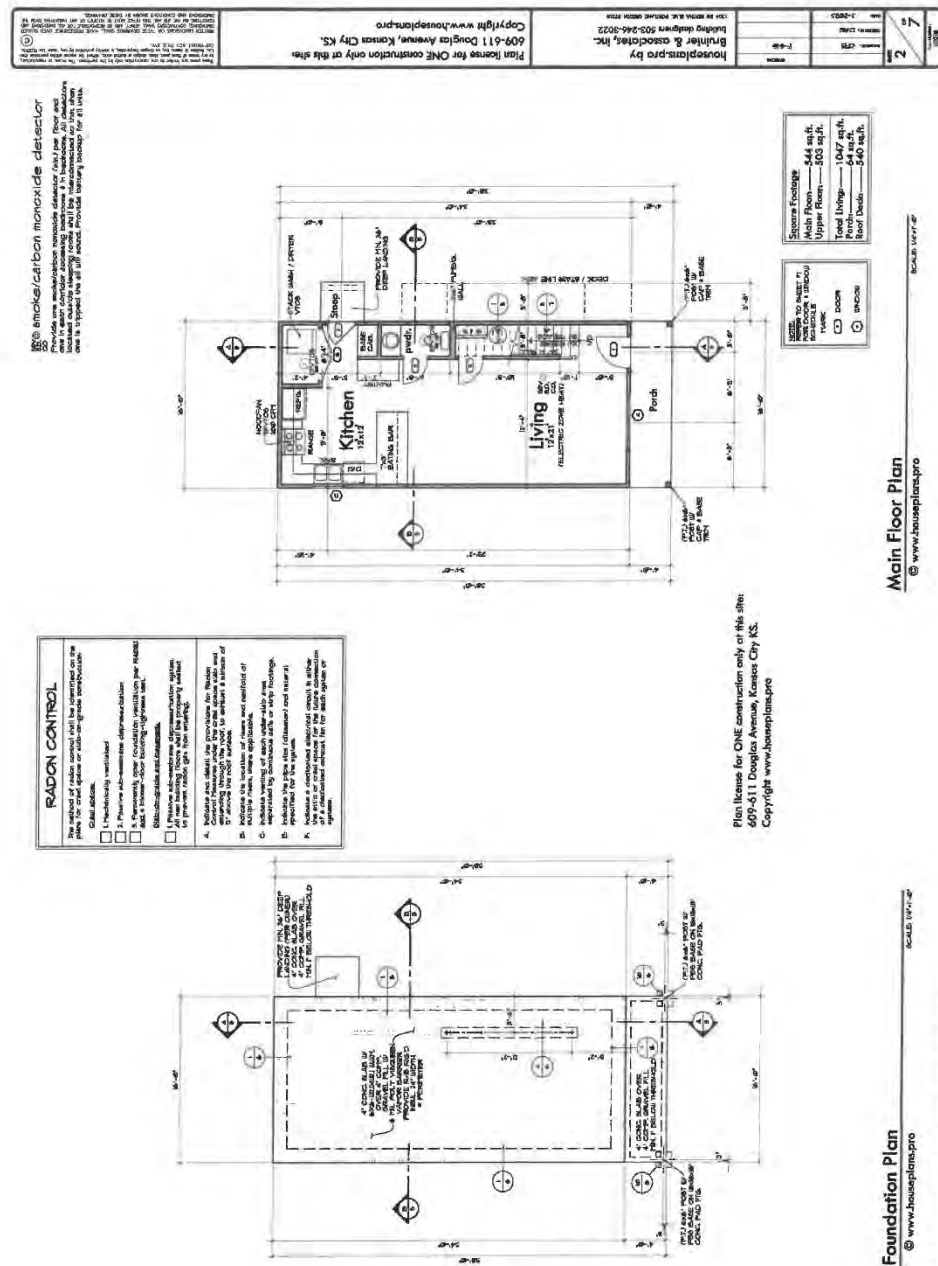


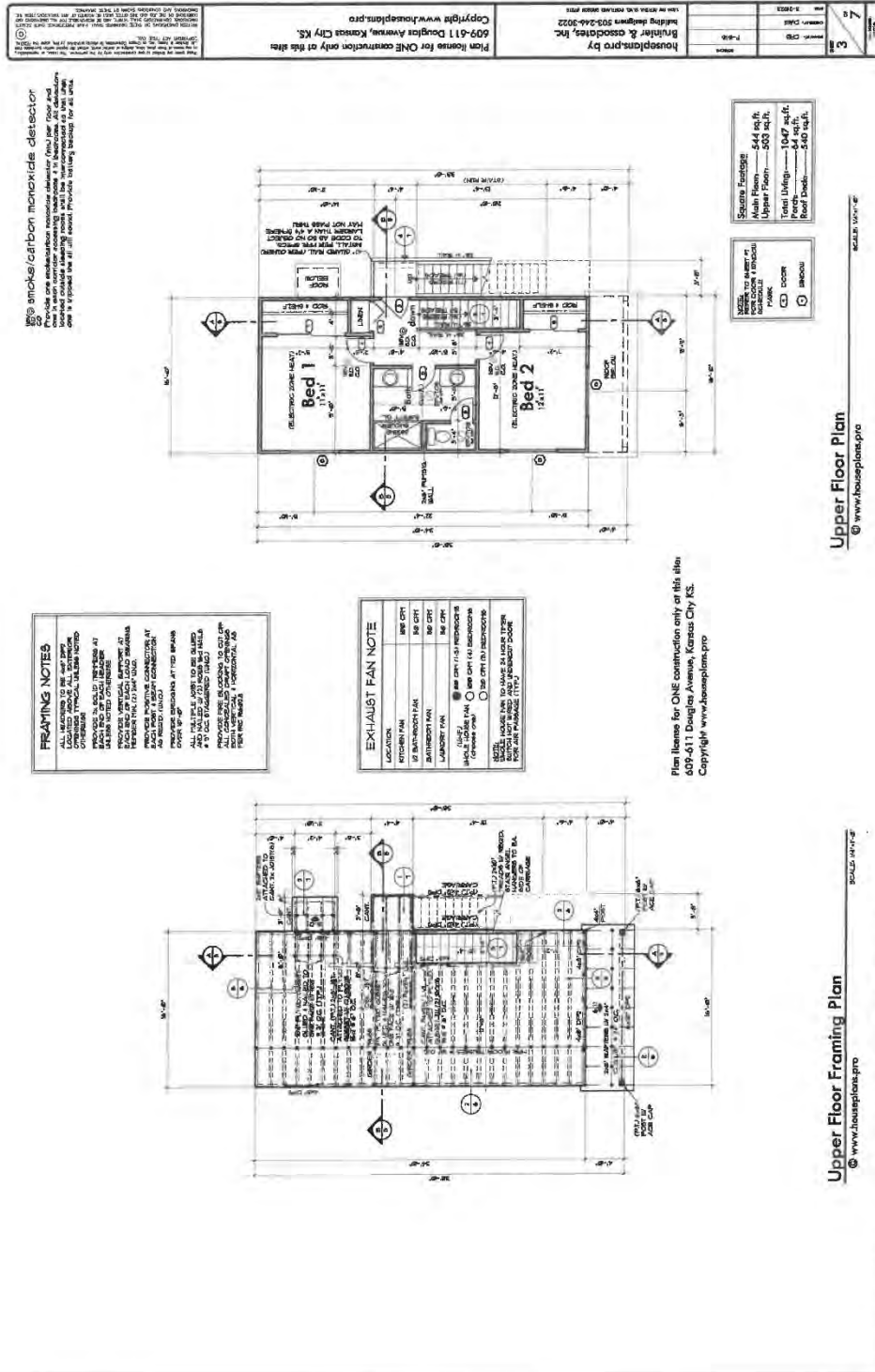
LAND USE MAP

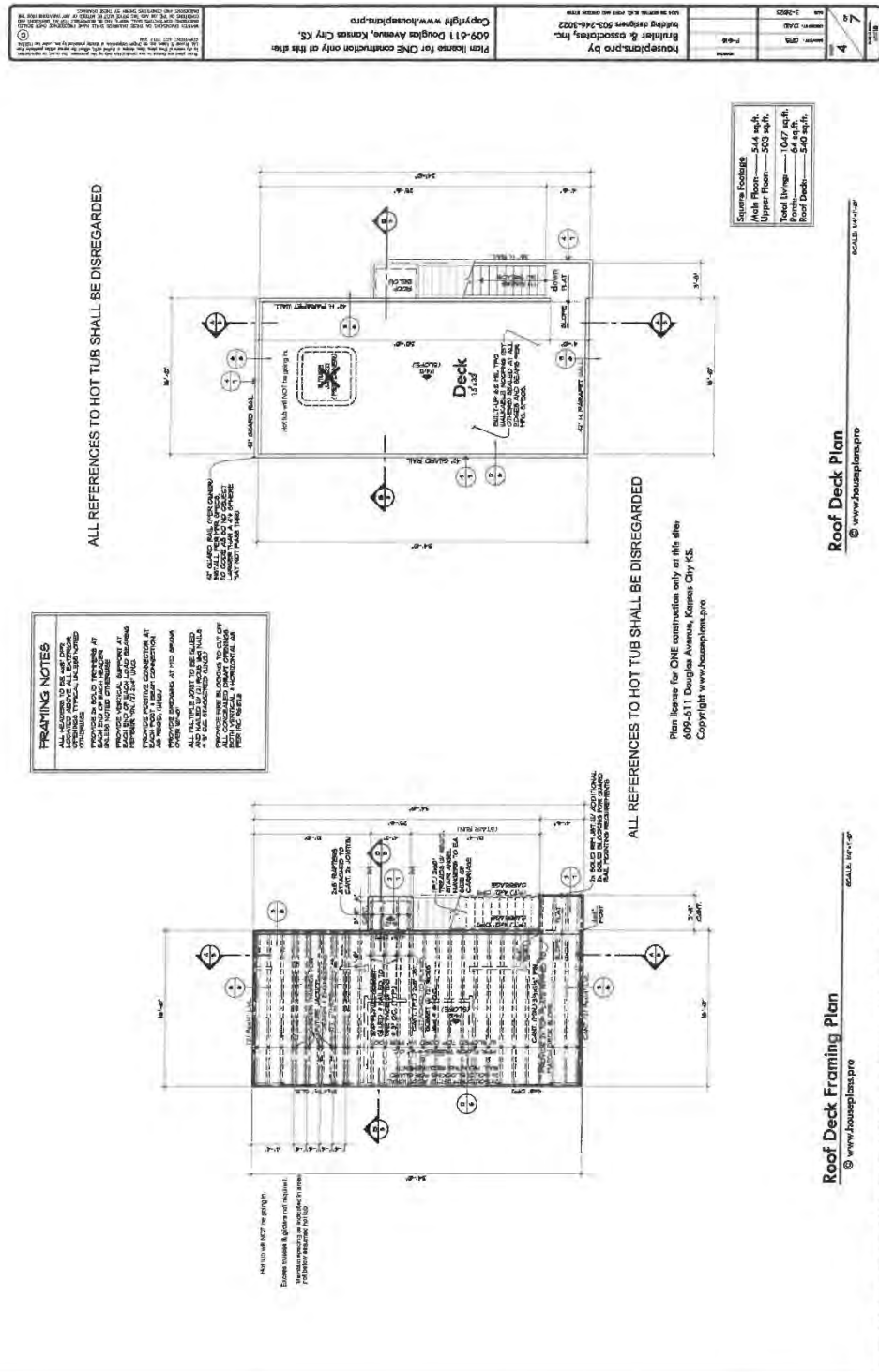


HOST COMPLIANCE MAP – JANUARY 18, 2024

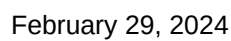








SP2023-121



HOME INSPECTION REPORT

611 Douglas Ave

Jessica Moreno

Limitations of Inspection of Roof and its Components

This is a visual inspection limited in scope by (but not restricted to) the following conditions:

- Not all of the underside of the roof sheathing is inspected for evidence of leaks.
- Evidence of prior leaks may be disguised by interior finishes.
- Estimates of remaining roof life are approximations only and do not preclude the possibility of leakage. Leakage can develop at any time and may depend on rain intensity, wind direction, ice build up, and other factors.
- Antennae, chimney/flue interiors which are not readily accessible are not inspected and could require repair.
- Roof inspection may be limited by access, condition, weather, or other safety concerns.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Observations

2.4.1 Roof Drainage Systems

DOWNSPOUTS DRAIN NEAR HOUSE

EAST

One or more downspouts drain too close to the home's foundation. This can result in excessive moisture in the soil at the foundation, which can lead to foundation/structural movement. Recommend a qualified contractor adjust downspout extensions to drain at least 6 feet from the foundation.

[Here is a helpful DIY link and video on draining water flow away from your house.](#)

Recommendation

Contact a handyman or DIY project



East



East



General

LIMITATIONS**Limitations of Inspection of Exterior and its Components**

This is a visual inspection limited in scope by (but not restricted to) the following conditions:

- A representative sample of exterior components was inspected rather than every occurrence of components.
- The inspection does not include an assessment of geological, geotechnical, or hydrological conditions, or environmental hazards.
- Screening, shutters, awnings, or similar seasonal accessories, fences, recreational facilities, outbuildings, seawalls, break-walls, docks, erosion control and earth stabilization measures are not inspected unless specifically agreed upon and documented in this report.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Observations

3.6.1 Decks, Balconies, Porches & Steps

OPEN RISERS

The deck had open risers. Open risers allowing a 4-inch-diameter sphere to pass through are not permitted on stairs that are more than 30 inches above grade. Recommend repair by a qualified contractor.

Recommendation

Contact a qualified deck contractor.



8: INTERIOR

Information

Doorbell: Doorbell
Operable, Present



Doors: Door Type
Hollow core

Windows: Window Manufacturer
Gerkin, Window World

Windows: Window Type
Casement, Thermal, Vinyl

Floors: Floor Coverings
Carpet, Vinyl

Walls: Wall Material
Drywall

Ceilings: Ceiling Material
Drywall

Countertops & Cabinets: Cabinetry
Wood

Countertops & Cabinets: Countertop Material
Quartz



General: Interior Inspection Overview:

An inspection of the interior surfaces was performed throughout the home to include visually inspecting the ceilings, walls, floors, doors and windows of each room. Every effort is made to inspect all interior areas but we can't move occupant furniture or belongings. Doors were operated and tested for proper operation including whether the door rubs, latches engage, and the general condition of doors. Windows were tested and operated on a representative number, including looking for cracked glass, broken thermal seals, and latch/lock operation. While we operate window blinds in order to access the windows to operate and inspect them, the overall condition of window coverings and treatments is outside the scope of a home inspection. Countertops and a representative number of cabinets were inspected and tested. Steps and stair railings were inspected for any safety concerns. Exhaust fans were turned on to verify they operate with normal switch control.

Observations

8.4.1 Windows
MISSING SCREEN
NORTH BEDROOM, PRIMARY BEDROOM, LIVING ROOM

 Maintenance Item

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wagonwheel) SS:

Comes now Jessica Moreno, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-121
2. That I conducted a neighborhood meeting on Jan. 23, 2024
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Jessica Moreno
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24 day of January, 2024.

My commission expires 22 of September, 2025

[Signature]
Notary Public



Jan 23, 2024 | 📅 WyCo STR Neighborhood Meeting

Attendees: Dean Thibodeau, Eleanor Pitts, Emelie Earls, Sharon Baldwin, Sharon Gaither

Notes

- Introduction - my background, experience in the Airbnb industry
- Traveled to 33 countries, staying in Airbnbs
- Started STR cleaning and management company 5 years ago
- Have serviced more than 80 Airbnbs in the KC metro
- Office in midtown

Questions

- Why did you choose this house in this neighborhood?
Easy access to highways, close to city center, unique property, private yard
- Will you allow parties?
Absolutely not. I am very strict on this rule. Only 6 guests allowed, all must be registered on Airbnb.
- What if cars park in my driveway or block my driveway?
I will list this as a strictly enforced rule on my check-in instructions so this does not happen. Eventually plan to complete a circle drive in front of the house so guests have ample turn around space.
- Do you have plans to build another house on the property?
I have no plans to build at this time.
- Can we have your personal cell number in case there are any issues?
Yes, my cell number is listed on the letters.
- How do you plan to monitor and enforce the no party rule?
I have 2 cameras on the exterior of the property and can see how many people are coming and going.

Action items

- ☐ Neighbors stated they would be happy to write and sign a letter of approval. They will provide it to me prior to the city commission meeting.

Jan 23, 2024
Neighborhood Meeting
611 Douglas Ave, Kansas City, KS 66103

Sign-In Sheet

Ann Thibodeau 913-249-1099

Eleanor W. Pitts 913-342-7567

~~Emilie~~ Emilie Earls 913-209-8210

Sharon Baldwin 913-645-0933 (Tremont)

Sharon Gaither 913-281-6776

_____ 1

SITE PHOTOS, TAKEN BY STAFF, DATED JANUARY 12, 2024



CERTIFICATE OF OCCUPANCY



BUILDING INSPECTION DIVISION

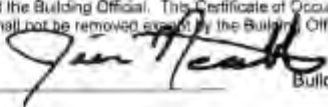
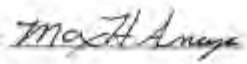
Neighborhood Resource Center
Unified Government of Wyandotte County/Kansas City, Kansas
4953 State Ave., Kansas City, Kansas 66102
p. (913) 573-8620 | f. (913) 573-8622 | www.wyandotte.org/building

RE: CERTIFICATE OF OCCUPANCY – PERMIT NSF23-0021

The attached Certificate of Occupancy must be posted in a conspicuous place and shall not be removed except by the Building Official. Recommended posting places are the electrical panel box or the mechanical equipment.

Final Inspection: Final Occupancy Approved 11/27/2023
Inspector: MAX H ANAYA

Cut along dashed line.

	Unified Government of Wyandotte County/Kansas City, Kansas Building Inspection Division 4953 State Avenue Kansas City, Kansas 66102 Phone: 913-573-8620 Fax 913-573-8622	
CERTIFICATE OF OCCUPANCY On 11/27/2023 Permission was granted for occupancy at 611 DOUGLAS AVE		
Responsible Party:		Permit: NSF23-0021
Contractor: CALLIHAM HANDYMAN SERVICE		
PARCEL NUMBER: 155069 TYPE OF CONSTRUCTION: V-B OCCUPANCY CODE: R-3 ZONE USE: 101 – Single Family Houses Detached, New		
This is to certify that the above location was inspected by the Building Inspection Department and complies with the Code requirements for Group and Division of Occupancy as classified in the Code of Ordinances for Kansas City, Kansas. For any change of occupancy, consult the Building Official. This Certificate of Occupancy should be attached to the electrical box or the mechanical equipment and shall not be removed except by the Building Official.		
Chief Building Inspector: 		Building Inspector: 
11/28/2023 8:07:26 AM		











Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Special Use Petition SP2024-001

GENERAL INFORMATION

Applicant:

Bradley Hovanec

Status of Applicant:

Engineer

CAGE Engineering, Inc.

2200 Cabot Drive, Suite 325

Lisle, IL 60532

Requested Action:

Approval of a Special Use Permit.

Date of Application:

January 4, 2024

Purpose:

To operate a truck leasing,
maintenance and repair facility.

Property Location:

11 North James Street

Kansas City, Kansas 66118

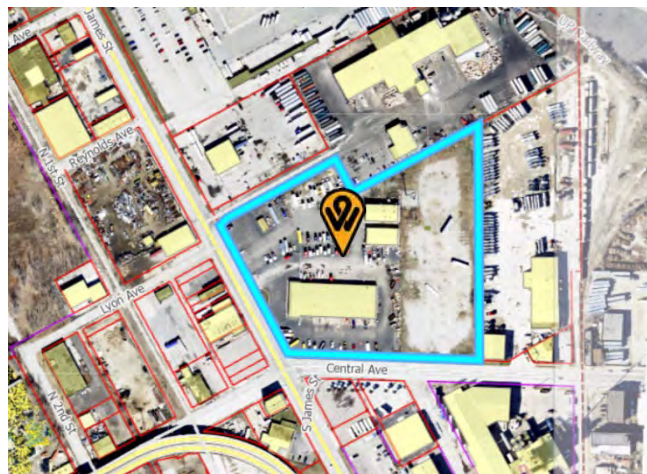
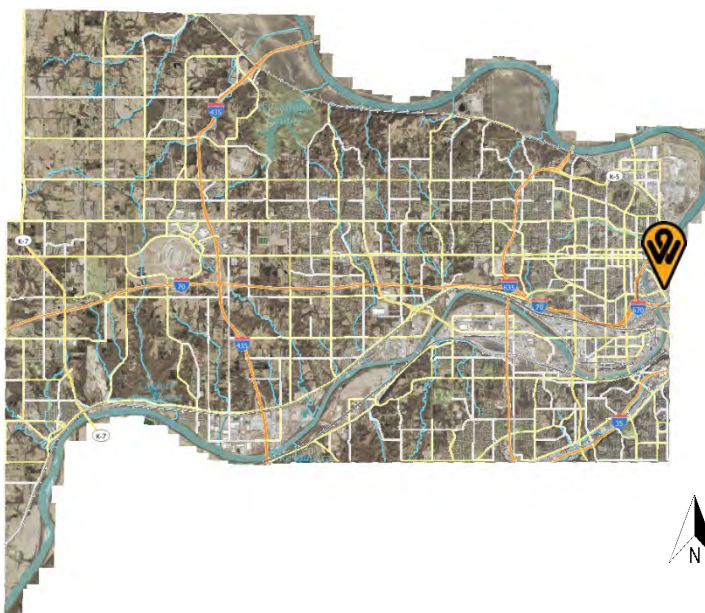
Commission Districts:

Commissioner At-Large, District #2:

Tom Burroughs

District #2 Commissioner:

William (Bill) Burns



Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Industrial Warehouse South: Industrial Warehouse East: Industrial Warehouse West: Industrial Warehouse
Total Tract Size:	8.82 Acres
Comprehensive Plan Designation:	PlanKCK designates the subject property as Industrial, which allows land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage.
Major Street Plan:	The goDotte Mobility Plan identifies North James Street as a Major Collector.
Parking Requirement:	Section 27-470(f) states “In no case, however, shall less than one space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. There are 53 spaces required; The property provides 50 “standard” parking spaces with only two (2) ADA spaces, as well as 96 truck parking spaces and 44 trailer spaces, a total of 194 spaces.
Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bradley Hovanec with CAGE Engineering, is requesting a Special Use Permit to operate a truck leasing, maintenance repair facility on 8.82 acres at 11 North James Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been several calls for police service on the subject property.
 - a. 2023 – 01/03/2023 – Burglary
 - b. 2022 – 08/30/2022 – Theft
 - c. 2022 – 06/24/2022 – Theft and Criminal Damage
 - d. 2021 – 11/17/2021 – Theft
 - e. 2021 – 10/16/2021 – Theft and Criminal Damage
 - f. 2021 – 07/15/2021 – Theft
 - g. 2021 – 05/23/2021 – Theft
 - h. 2021 – 05/04/2021 – Theft and Burglary

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the CID Statistical Neighborhood and the Central Avenue Betterment Association (CABA). The neighborhood consists entirely of industrial uses and warehouses.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with the surrounding uses with a Special Use Permit.

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

The subject property is an industrial area and given the projected level of business, the proposed use is not expected to detrimentally affect nearby properties. The removal of the restrictions will not have detrimental effects on the nearby properties.

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

The property is not vacant; it is currently used by Penske.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Comprehensive Plan. PlanKCK designates the subject property as Industrial, which allows land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage. The proposed use conforms to the Comprehensive Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

North James Street is designated as a Major Collector and is designed to accommodate industrial uses that produce more and heavier traffic than the proposed truck maintenance and repair facility. The proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the Major Collector.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

Truck maintenance and repair is a necessary part of operating a vehicle-based leasing business and distribution center, but its effects on the surrounding property can and should be mitigated by measures such as landscaping and architectural screening, proper disposal of fluids and waste, making repairs indoors, and keeping lights directed downward at the property, not off-site.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Heavy vehicle repair is prone to generate noise, vibration, dust, and illumination. All repairs must be conducted inside the proposed building. Furthermore, the exterior lights proposed on the submitted photometric plan must be fitted with 90-degree cutoff fixtures. All inoperable vehicles must be stored inside the building unless they are completely screened from view in accordance with all applicable ordinances.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use has the potential to pollute the air through emissions from heavy trucks, as well as the land and water through contaminated run-off. This, however, should not be an issue as long as fluids and parts are properly disposed of, such as in an oil-water separator and through off-site disposal, respectively.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage an irreplaceable natural resource as it is expanding on an already permitted, built-out industrial property.

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

The relative gain to health, safety and welfare is limited. If the application is denied, the applicant will need to find a new location to perform truck repair and maintenance.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

As this area is designed for industrial uses, the proposed use is a less intense use than the majority of uses it surrounds and will not cause overcrowding of land or cause undue concentrations of population as customer will have separate parking and access areas from employees and from the rental fleet.

PREVIOUS ACTIONS

- Approval of a Variance for Pole Sign height of 38 feet (BOZA 1065) in 1978.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Barbed Wire Fencing
Building Architecture
Bus Stop Pad
Landscaping and Screening
Lighting
Noise
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2024-001** for two (2) years, subject to:

1. The applicant is requesting a Special Use Permit; 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 SP2024-001. All listed requirements that are identified as "have not been meet" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting;
2. The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - a. Per Sec. 27-576(e)(1) building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.
 - b. Per Section 27-576(g)(1), buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs.
 - c. Per Section 27-576(g)(3), sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.
 - d. Per Section 27-576(h)(2), reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted.
 - e. Per Section 27-577(a)(5) landscaping shall exceed the typical code requirements by at least 75 percent. The M-3 requirement is one (1) tree per 15,000 square feet of site area. The site is 8.82 acres; therefore 25 trees are district requirement. The multiplier is 1.75, so 46 trees are required to be planted. The total number of trees existing on site can account towards this total.
 - f. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.
 - g. 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.

- 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;
11. 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;
 12. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 13. 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;
 14. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 16. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
22. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-001** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Landscape Plan
Floor Plan
Elevations
Applicant Response to Draft Comments
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated January 12, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-001** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-001**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 4:11:31:

SPECIAL USE PERMIT APPLICATION SP2024-001 – GUY HOLBERT - SYNOPSIS:

Special Use Permit for Penske truck leasing, rental and repair at 11 North James Street.

Detailed Outline of Requested Action: The applicant, Bradley Hovanec with CAGE Engineering, is requesting a Special Use Permit to operate a truck leasing, maintenance repair facility on 8.82 acres at 11 North James Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Guy Holbert, applicant, Penske Truck Leasing, 4804 West Jim Mitchell Trail, Coville, Texas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:13:57: Planning Director Hand stated that the request is for a truck leasing, maintenance and repair facility. It was a legal non-conforming use and when they came in for the expansion, it triggered all the Special Use Permit requirements. The property is in the Armourdale Area Plan. Staff received no letters in support nor opposition. As can be expected for a use such as this, there has been a history of police calls but nothing out of the ordinary. Staff recommends approval for two (2) years subject to the conditions in the staff report, including following all the Commercial Design Guidelines.

Motion starts at 4:14:45:

On motion by Mr. Ward, seconded by Ms. Easterwood, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2024-001 for two (2) years:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Motion to recommend APPROVAL Passed: 7 to 0

1. The applicant is requesting a Special Use Permit; 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 SP2024-001. 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;
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required to be planted. The total number of trees existing on site can account towards this total.

- f. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.
 - g. 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.
 - h. 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;
- 3. The applicant/business owner shall install a concrete pad for riders at the bus stop located in the northwest corner of the property. Contact Desiray Bush, Director of Transportation at (913) 573-8312 or dbush@wycokck.org;
 - 4. The barbed wire fence surrounding the property shall be modified so that the barbed wires either face upward or inward, rather than outward towards the roadway;
 - 5. The applicant is requesting a Special Use Permit for heavy vehicle/truck repair and leasing. Any additional uses not listed in this Special Use Permit SP2024-001 and not otherwise allowed by the Zoning Code in the M-3 Heavy Industrial District must receive a separate Special Use Permit;
 - 6. Per Section 27-593(b)(20), parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by Sections 27-466 through 27-470; parking shall be upgraded to current standards and regulations including medians, landscaping, and screening; and each automobile shall be in a striped, designated parking space;
 - 7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
 - 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. 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;

10. 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 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;
11. 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;
12. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
13. 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;
14. If approved, the applicant must file and maintain a current business occupation tax application with this office;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;

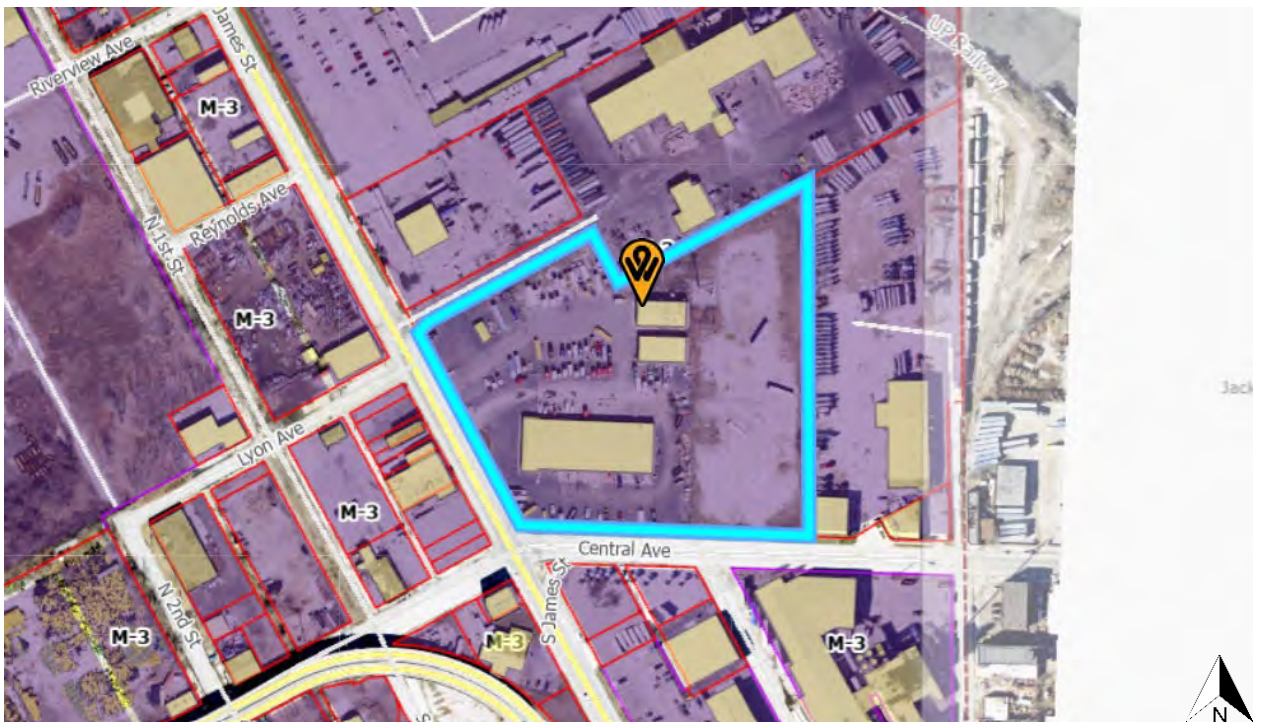
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
22. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board.

ATTACHMENTS

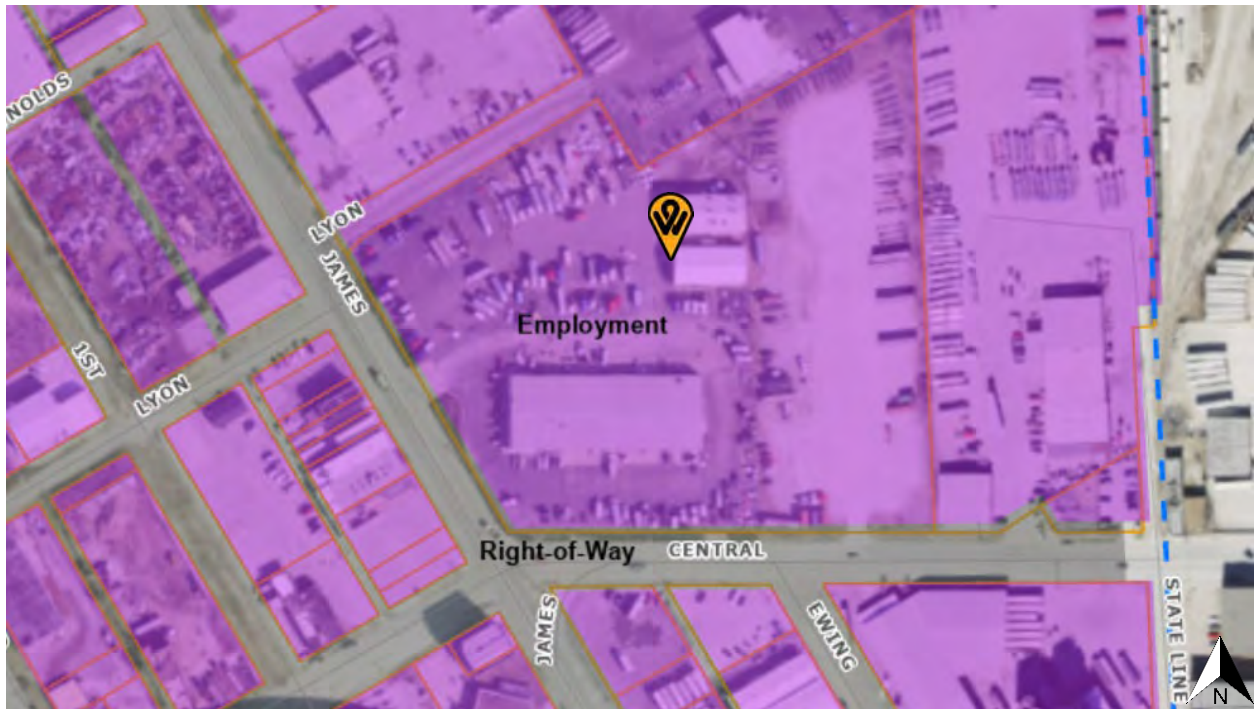
AERIAL IMAGERY



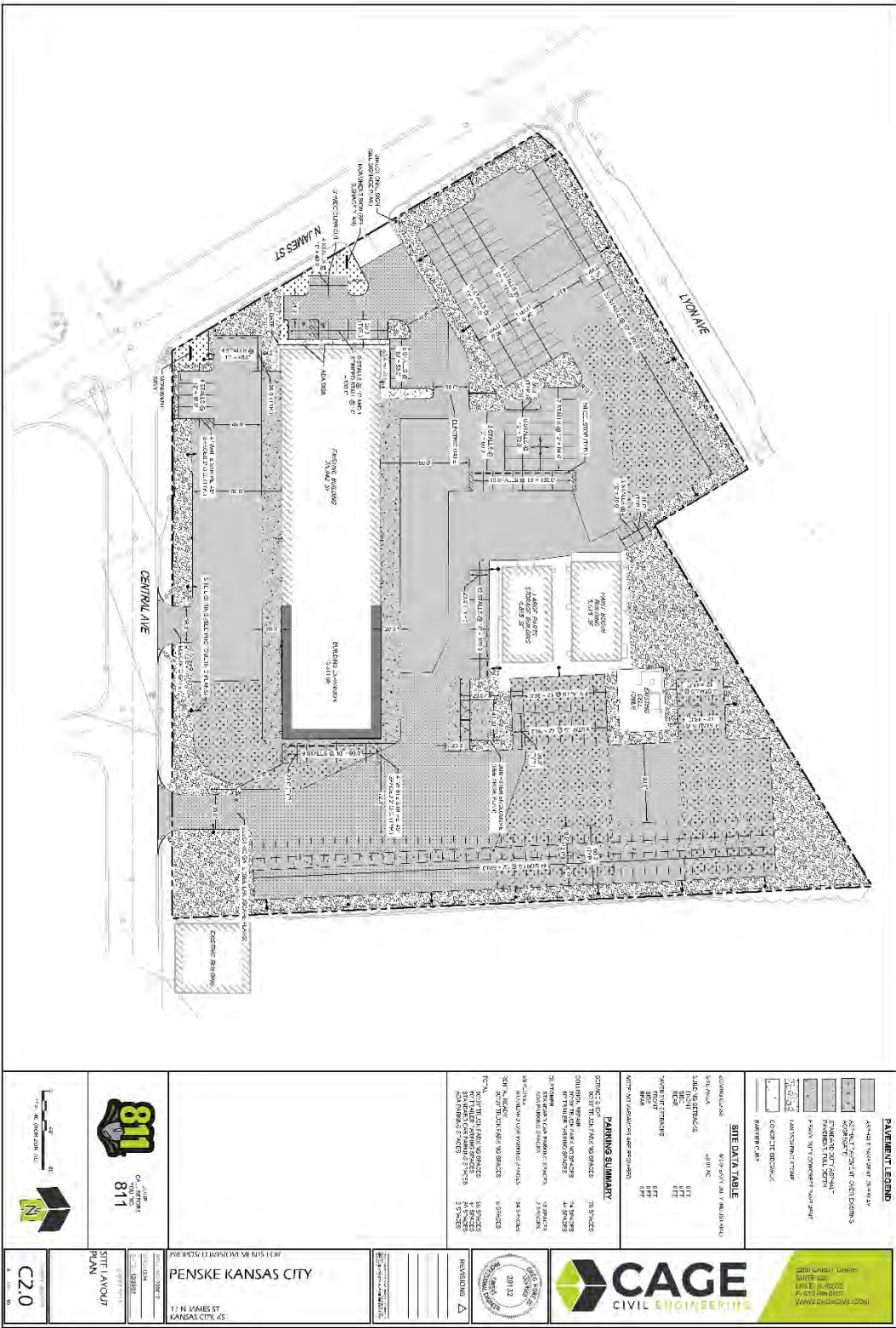
ZONING MAP



LAND USE MAP



SITE PLAN

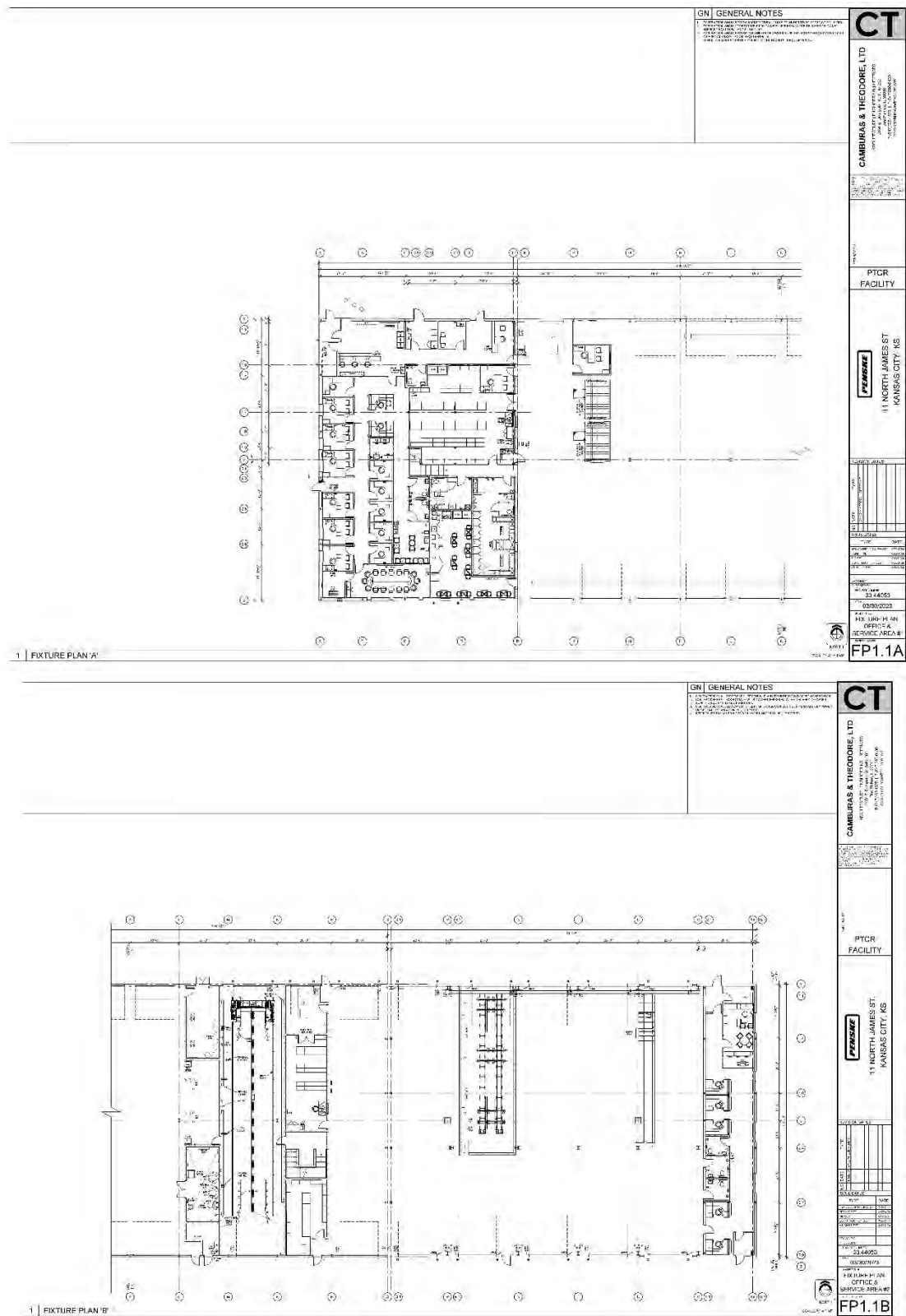


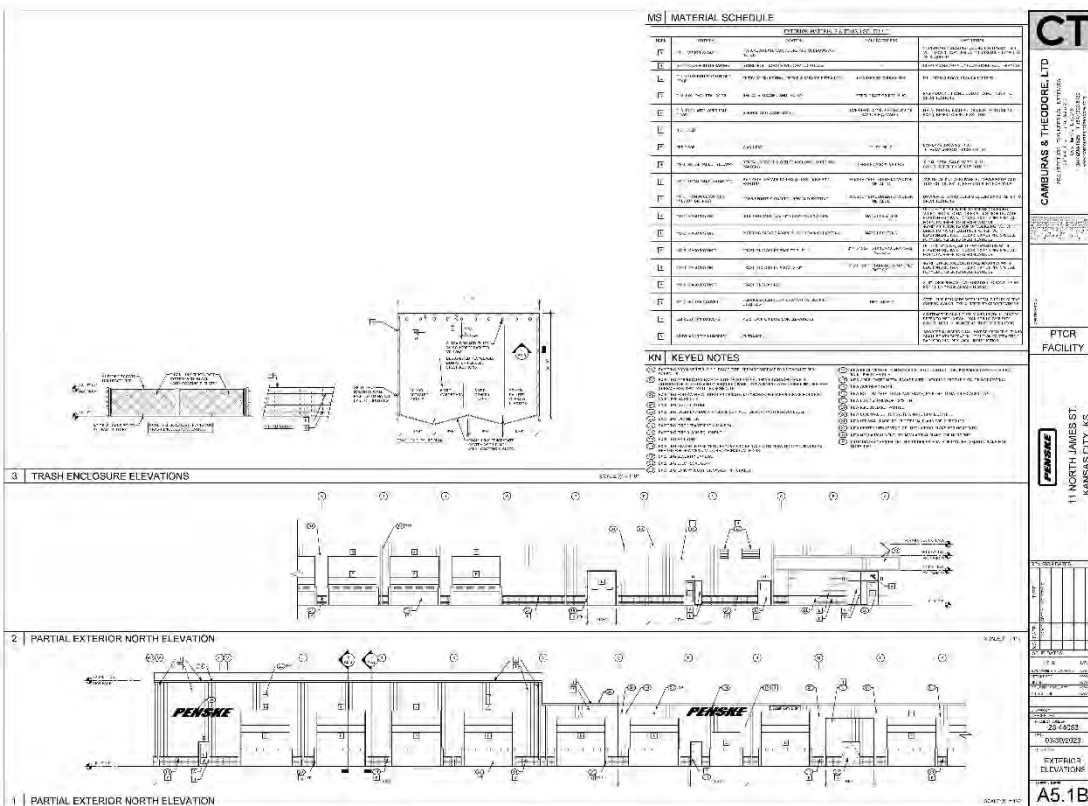
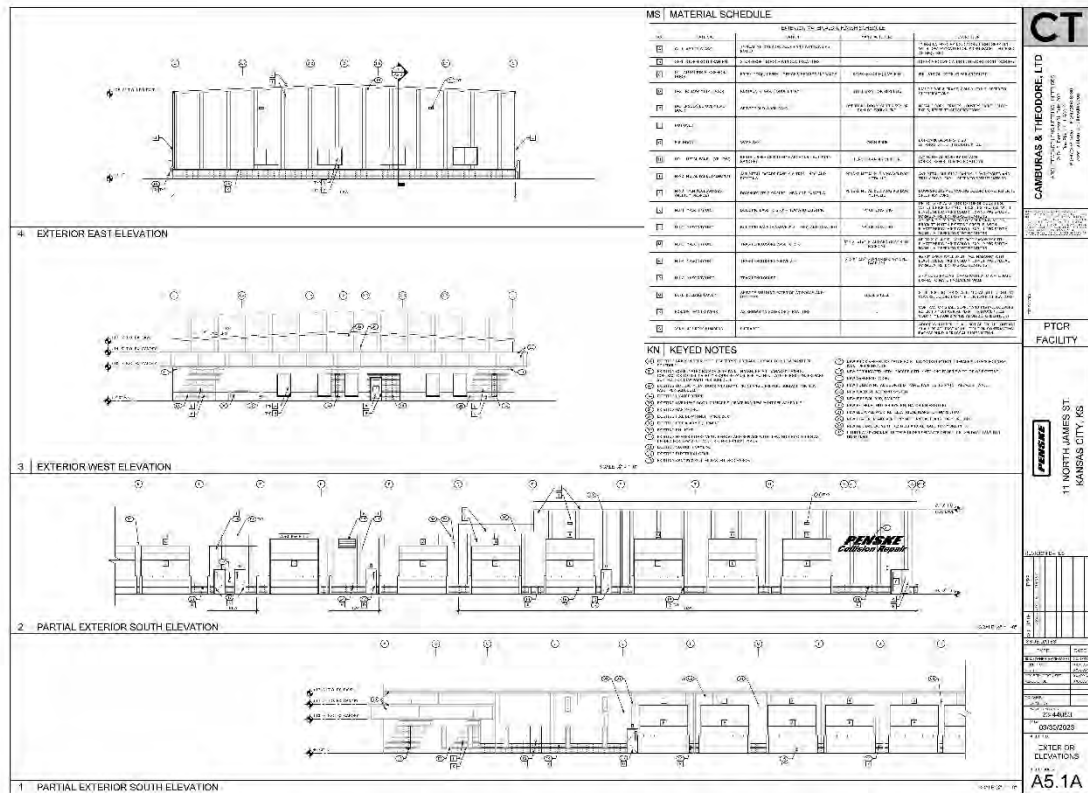
Pathserver/C:\projects\2023-23-M2-S-0 Design\2-DWG Plans\2-FDP-23-112 FDP_PJA.dwg PLOT_BINARY_LANDSCAPE PLAN 1/28/2024 3:55:39 PM

SP2024-001

February 29, 2024

20







January 29th, 2024

City Planning Commission
Unified Government of Wyandotte County
701 N 7th Street
Kansas City, KS 66101
RE: Special Use Petition SP2024-001 Review Comments

Dear Mr. Molloy,

CAGE Engineering, Inc. (CAGE) is in receipt of the Unified Government of Wyandotte County's review letters, dated January 19, 2024, regarding the above-mentioned project. CAGE offers the following itemized responses:

PLANNING AND URBAN DESIGN COMMENTS

General

Comment #1

The applicant/business owner shall install a concrete pad for riders at the bus stop located in the northwest corner of the property. Contact Desiray Bush, Director of Transportation at (913) 573-8312 or dbush@wycokck.org.

Response to Comment #1: Added concrete pad for riders at the bus stop.

Comment #2

The barbed wire fence surrounding the property shall be modified so that the barbed wires either face upward or inward, rather than outward towards the roadway.

Response to Comment #2: A new fence will be added with barbed wire going inward and not outward.

Comment #3

The applicant is requesting a Special Use Permit for heavy vehicle/truck repair and leasing. Any additional uses not listed in this Special Use Permit SP2024-001 and not otherwise allowed by the Zoning Code in the M-3 Heavy Industrial District must receive a separate Special Use Permit.

Response to Comment #3: Understood and acknowledged.

Comment #4

Per Section 27-593(b)(20), parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by Sections 27-466 through 27-470; parking shall be upgraded to current standards and regulations including medians, landscaping, and screening; and each automobile shall be in a striped, designated parking space.

Response to Comment #4: The provided parking spaces meets the requirements, and the lot will be upgraded with new asphalt pavement and striping.

2200 Cabot Dr. - Suite 325
Lisle, IL 60532
Penske Public

www.cagecivil.com

Ph: 630.598.0007



Comment #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.

Response to Comment #5: Underground wiring will be used and incorporated in the final design.

Building and Architecture

Comment #1

Per Sec. 27-576(e)(1) building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.

The exterior building material is 100 percent metal panel, which does not comply with the Commercial Design Guidelines as required by Sec. 27-573(b)(20). Extend the brick wainscoting that exists on the eastern side of the building around the entire perimeter of the building.

Response to Comment #1: A lower wainscot band of masonry will be added to the north, south and east elevations to match proposed painted brick finish on east elevation.

Comment #2

Per Section 27-576(g)(1), buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs.

Response to Comment #2: Will comply with staggered roof heights.

Comment #3

Per Section 27-576(g)(3), sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

Response to Comment #3: Will comply

Comment #4

Per Section 27-576(h)(2), reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted.

Response to Comment #4: Will comply

Comment #5

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.

Response to Comment #5: Will not have rooftop units

Landscaping and Screening

Comment #1

Per Section 27-577(a)(5) landscaping shall exceed the typical code requirements by at least 75 percent. The M-3 requirement is one (1) tree per 10,000 square feet of site area. The site is 8.82

Penske Public



acres; therefore 39 trees are district requirement. The multiplier is 1.75, so 68 trees are required to be planted. The total number of trees existing on site can account towards this total. Revise the landscape plan to demonstrate the required number of trees. A deviation from the Commercial Design Guidelines must be asked for by the applicant and approved by the City Planning Commission.

Response to Comment #1: Per a phonecall with James Molloy on Thursday 1/25, it was confirmed that the requirement is actually 1 per 15,000 SF, which equates to 46 trees after applying the 1.75 multiplier. 46 trees have been provided on the landscape plans.

Comment #2

Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.

Response to Comment #2: Trees have been provided along Central Avenue as requested. However, trees were not provided along North James Street due to conflicts with overhead utilities.

Comment #3

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.

Response to Comment #3: Understood and acknowledged.

Comment #4

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.

Response to Comment #4: Shrubs have been provided along the front side (west side) of the building. All other sides of the building are not able to have landscaping due to operations of the building.

Planning Engineering Comments

Comment #1

Items that require plan revision or additional documentation before engineering can recommend approval: None

Response to Comment #1: N/A

Comment #2

Items that are conditions of approval: Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response to Comment #2: See Sections titled "General Engineering Review Comments", "Storm Drainage Review Comments", "Sanitary Sewer Review Comments", and "Erosion Control Review Comments" of this response letter.

Penske Public



Comment #3

Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Response to Comment #3: N/A

GENERAL ENGINEERING REVIEW COMMENTS

Comment #1

The cover sheet C0.0 shall include all applicable information, for example:

- a) The following UG standards note: "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."
- b) Site data table i.e., net increase in impervious area (in square feet) and land disturbance quantity (in square feet and acres).
- c) Utility contact information e.g., gas, electric, water etc.
- d) Sewer Maintenance Department, (913) 573-1360, Kevin Swarengin or Kirk Roland for storm and sanitary sewers.

Response to Comment #1: The listed note has been added as well as the site data table. Contacts for the development have been added as well as the listed Sewer Maintenance Contact. If additional contacts are requested please provide contact information.

Comment #2

Provide UG node numbers for existing storm and sanitary sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at 913-573-5535. See Storm Drainage review for additional comments.

Response to Comment #2: UG node numbers and line sizes have been received from the Sewer Maintenance Department and have been added to the Utility Plan Sheet C5.0.

Comment #3

Proposed driveway entrances within the right of way of Central Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e. UG 4100-G.

Response to Comment #3: The proposed new driveway entrance conforms with the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications

Comment #4

Based on the above comment, the drive entrance shall be reduced to 35' in accordance with UG standards and criteria. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required.

Response to Comment #4: The driveway on the South meets the 35' maximum requirement. The western driveway is existing and will be maintained.

Penske Public



Comment #5

Verify slopes no steeper than 3H:1V.

Response to Comment #5: Slopes have been shown on Sheet C3.0 and do not exceed 3H:1V.

Comment #6

Please provide a truck turning template of the site which shall illustrate the turning movement of the typical trucks used on site. The truck turning template shall be produced from CAD software e.g. AUTO-TURN.

Response to Comment #6: A truck turning exhibit has been added to the plan set.

Comment #7

Also, please coordinate with Harvey Fields, (913-573-5947)-Fire department for any additional requirements i.e. hydrant locations, fire access etc.

Response to Comment #7: We reached out to the above number and were not able to get in touch with them. We will follow up with them in final design to ensure any requirements are met.

Comment #8

ADA parking space(s) markings, sidewalks, and access to the building and the proposed expansion shall comply with ADA (Americans with Disabilities Act) requirements. If you have any questions about ADA ramps, please contact Troy Shaw, PE at 913-573-5411 in the Public Works Department for clarification.

Response to Comment #8: ADA parking spaces, sidewalks, and building accesses have been designed to meet ADA requirements.

Comment #9

Please coordinate with James Molloy, jlmolloy@wycokck.org, for additional Urban Planning and Zoning requirements and comments.

Response to Comment #9: See section titled "Planning and Urban Design Comments" of this response letter.

Comment #10

See Erosion Control review for additional comments.

Response to Comment #10: See section titled "Erosion Control Review Comments" of this response letter.

Comment #11

See Sanitary Sewer review for additional comments.

Response to Comment #11: See section titled "Sanitary Sewer Review Comments" of this response letter.

Comment #12

Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Response to Comment #12: Noted

Penske Public



Comment #13

Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Response to Comment #13: Noted

STORM DRAINAGE REVIEW COMMENTS

Comment #1

As mentioned in the general engineering review, label the existing public storm sewer lines with node numbers for UG structures on the plans, as applicable. Sanitary and storm sewer maps (with UG node numbers) and as-built drawings may be obtained from the Sewer Maintenance Department at (913) 573-5535. Site data table i.e., net increase in impervious area (in square feet) and land disturbance quantity (in square feet and acres), Utility contact information e.g., gas, electric, water etc. Sewer Maintenance Department, (913) 573-1360, Kevin Swearengen or Kirk Roland for storm and sanitary sewers.

Response to Comment #1: Node numbers for existing storm and sanitary were received from the Sewer Maintenance Department and have been added.

Comment #2

If existing and proposed utilities are not public, indicate that on the plans by calling them out as private. In this regard, the proposed 86 LF 15" RCP appears to connect to the existing public curb inlet. On the utility plan sheet C5.0, verify public vs private infrastructure.

Response to Comment #2 : The proposed storm sewer will be private and has been labeled as such on sheet C5.0 of the plans.

Comment #3

Based on the above comment, submit a separate set of public storm improvement plans for the proposed changes to the existing public infrastructure i.e., curb inlet. The public storm sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public storm sewer improvement plans shall include erosion control.

Response to Comment #3: Since the proposed storm sewer is private, a separate public storm improvements plan will not be needed.

Comment #4

Verify minimum 2' cover above the proposed 86 LF 15" RCP.

Response to Comment #4: The cover over the proposed storm sewer has been verified to meet the 2' minimum.

Comment #5

Stormwater infrastructure i.e. curb and gutter, trenching details etc. shall be in accordance with UG standards and criteria.

Response to Comment #5: Understood and acknowledged.

Penske Public



Comment #6

Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Response to Comment #6: Noted

SANITARY SEWER REVIEW COMMENTS

Comment #1

Provide a PE sealed sanitary sewer memo with flow calculations and sewer analysis for the proposed expansion in accordance with the UG Minimum Design Standards for Sanitary Sewers.

Response to Comment #1: Will comply

Comment #2

Verify clearances between the (150 LF 6" PVC SDR) private sanitary service line with other utilities i.e., gas and water line are met in accordance with UG checklists, standards and criteria i.e., at least 2' vertical separation.

Response to Comment #2: The sanitary has been rerouted and clearances have been considered as well as crossings with other utilities. See Utility Crossings on Sheet C5.0.

Comment #3

Add a note that the Contractor shall obtain a Public Works Sewer permit and coordinate with UG staff for inspection on the proposed sanitary sewer service connection.

Response to Comment #3: The note has been added to the sheet notes on Sheet C5.0.

Comment #4

Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Response to Comment #4: Noted

EROSION CONTROL REVIEW COMMENTS

Comment #1

Please reference Standard UG Drawings and Details available in the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers of the Unified Government of Wyandotte County and Kansas City, Kansas for erosion control BMP's i.e., silt fence, construction entrance, etc., as applicable. It is the UG's policy that the details SHALL NOT be included in the plans, only referenced in a call-out, legend, or note with the UG detail number. (See UG checklists and standards). For example, remove the APWA referenced erosion control on the soil erosion & sediment control details sheet C4.1 and replace the construction entrance detail with a callout for UG 1400-A for construction entrance and UG 1400-E for silt fence installation on the soil erosion & sediment control plan sheet C4.0.

Response to Comment #1: The soil erosion details have been removed and call outs have been adjusted to reference UG details.

Penske Public



Comment #2

On the general notes & specifications sheet C0.1, add the following in the site grading and erosion control notes section:

- a. Clean streets, i.e., "The contractor shall provide all materials, tools, equipment, and labor as necessary to install and maintain adequate erosion control, keep the streets clean of mud and debris, and prevent soil from leaving the project site. The contractor's erosion control measures shall conform to the Unified Government of Wyandotte County, Kansas City, KS Technical Provisions specifications.
- b. Excavated material that is not immediately loaded and hauled off site shall be stockpiled on site. The contractor shall provide the appropriate BMP (silt fence, compost sock, gravel filter bags, waddles, etc.) fully surrounding the stockpile area to protect adjacent inlets or areas, etc. until such time that stockpile is removed from the site.
- c. "Good housekeeping" note, i.e., "Good housekeeping, including spill response, shall be performed in accordance with the Kansas City Chapter of the American Public Works Association Standard Specifications, Section 2150."
- d. Inspection, i.e., "The contractor shall inspect erosion control devices every 7 days and within 24 hours of a storm of 0.5 inches or more. The Contractor shall repair damage, clean out sediment, and add additional erosion control devices as needed, as soon as practicable, after inspection."

Response to Comment #2: All notes have been added to the General Notes & Specifications Sheet C0.1.

Comment #3

Please indicate on the plans the contractor staging area.

Response to Comment #3: Contractor staging area has been added to the plans on Sheet C4.0

Comment #4

Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Response to Comment #4: Noted

Should you have any questions or comments upon completion of your review, please do not hesitate to contact me at 847-736-4007 or bhovanec@cagecivil.com.

Sincerely,
CAGE ENGINEERING, INC.

Brad Hovanec, P.E.
Project Manager

Penske Public

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF ILLINOIS)
) SS:
COUNTY OF WYANDOTTE)

Comes now Bradley Hovanec, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP2024-001.
2. That I conducted a neighborhood meeting on January 29th, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

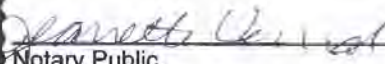


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of Jan, 2024.

My commission expires 29th of June, 2030.





Notary Public



NEIGHBORHOOD MEETING MINUTES

11 N JAMES ST: PENSKE TRUCK RENTAL, LEASING, AND REPAIR

Application Number: SP2024-001

Date and Location: 1/29/2024 Microsoft Teams

Meeting called to order at: 5:30 PM

Names of people in attendance:

Project Team:

- Brad Hovanec (Civil Engineer, CAGE Civil Engineering)
- Spencer Kabat (Civil Engineer, CAGE Civil Engineering)
- Elizabeth Sheridan (Civil Engineer, CAGE Civil Engineering)
- Eric Pangle (Architect, Camburas Theodore)
- Guy Holbert (Owner, Penske),

Nearby Property Owners:

- Judith Spencer: 2 S James St, Kansas City, KS
- John Mallinee: 17 S James St, Kansas City, KS

Introductions:

Brad Hovanec introduced himself and the rest of the project team followed, giving their name and role in the development. After the project team, Judy and John introduced themselves by name and address.

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Brad Hovanec introduced the project stating that the site will be a Penske truck rental, repair, and leasing facility and will be an expansion and rehabilitation of the existing site.

Questions and answers:

Question/Comment #1:

Judy: What exactly is happening on the site? Are you just expanding the east side of the building?

Answer/Response #1:

Brad: Yes, that is exactly it. The building will be growing by 50% on the east side of the building. Additionally, there is a large amount of stone and gravel on the east side of the property, and we will be adding asphalt there and repaving the existing asphalt. We will be rehabilitating the site as it currently stands.

Question/Comment #2:

Judy: Are there any entryways being redone off James Street or Central Avenue?

Answer/Response #2:

Brad: Currently there are two small driveways off Central and one off James Street. We will maintain the existing driveway on James Street, and we will put new driveways in the same location as the existing ones on James Street.

2200 Cabot Drive
Suite 325
Liste, IL 60532

www.cagecivil.com

Ph: 630.598.0007

Question/Comment #3:

John: Why do you require a Special Use? What will be changing about the use of the site? Is the east side of the property not currently zoned for what you need?

Answer/Response #3:

Brad: The stone area has the same zoning as the west part of the property. The existing property is zoned M-3 heavy manufacturing and industrial which is what we will be using it for but within that zoning there are special uses. We will have to go through special use in order to expand on the existing use.

Guy: The building code requires a special use for the expansion of existing uses. Even though we are not going to change use, we will require a special use permit for the same use if we increase that use.

Question/Comment #4:

John: How many bays will you have after expanding? Is 30 a good estimate?

Answer/Response #4:

Eric: Yes, 30 is a good estimate. We would have to verify the exact number.

Question/Comment #5:

John: With that many bays and the expected traffic to the site, you should evaluate the ingress/egress to the site. Most of your traffic will come from James Street due to the closure of the Central Avenue bridge. The North James Street bridge has compromised expansion joints, and the South James Street bridge has rebar sticking out. There are not plans to reopen the Central Avenue bridge I am aware of. There is a report from February 1, 2021 by Alfred Benesch from the structural analysis of the bridge which may have led to the county closing it.

Answer/Response #5:

Brad: Thank you for informing us. We will evaluate the impact this will have on our site.

Question/Comment #6:

John: Will there be any changes in the light patterns at Central Avenue and James Street?

Answer/Response #6:

Guy: No, there will not be any light changes. Since we are using existing curb cuts, we will just be upgrading things such as fencing, landscaping, and the existing building.

Meeting adjourned at: 6:18 PM

Minutes taken by: Elizabeth Sheridan

2200 Cabot Drive
Suite 325
Erie, IL 60532

www.engeeril.com

PH: 830.598.0007













Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: **Petition PR2023-039**

GENERAL INFORMATION

Applicant:

Willie Lanier, Jr.

Status of Applicant:

Lanier United
12120 State Line Road, Suite 334
Leawood, KS 66209

Requested Action:

Approval of Preliminary and Final
Development Plan.

Date of Application:

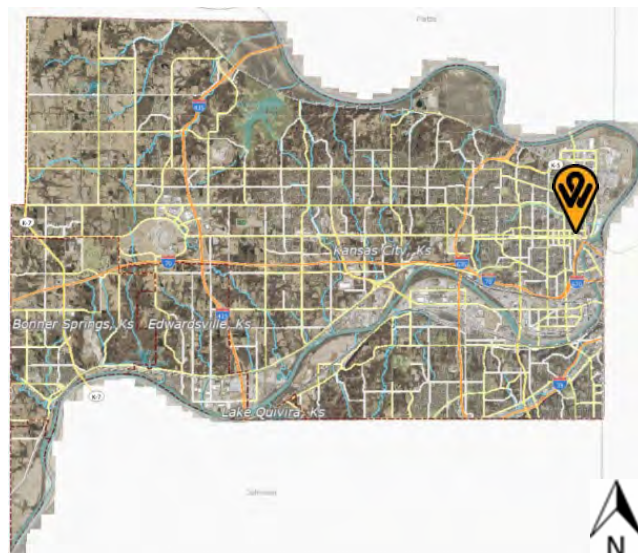
November 27, 2023

Purpose:

To build 100 market-rate apartments,
with 7,000 square feet of ground-floor
retail, and 7,500 square foot event
center (Reardon Civic Center).

Property Location:

500 Minnesota Avenue
Kansas City, KS 66101



Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #2 Commissioner: Bill Burns
Existing Zoning:	C-D Central Business District
Adjacent Zoning:	North: C-D Central Business District South: C-D Central Business District East: C-D Central Business District West: C-D Central Business District
Adjacent Uses:	North: Federal Courthouse (across from the Reardon Center on State Avenue) South: Merc Co+op grocery store (across from the Reardon Center on Minnesota Avenue) East: Children's Campus of Kansas City (across the Reardon Center on 5 th Street) West: Hilton Garden Inn and BPU Administration building (adjacent to the Reardon Center)
Total Tract Size:	1.56 Acres
Master Plan Area:	Downtown Area Plan
Master Plan Designation:	The Downtown Area Plan designates this property as Downtown Mixed Use, which allows mixed-use multi-story parking structures, pedestrian amenities and spaces – plazas, mid-block walkways, enhanced crosswalk, streetscape furnishings, outdoor café and display area to allow periodic extension of business activity outdoors, multi-story mixed-use buildings, alley access for limited surface parking, services and equipment, transit – local and regional availability.
Major Street Plan:	The Major Street Plan classifies 5 th Street, Minnesota Avenue and State Avenue as Class B Thoroughfares.
Required Parking:	Uses in this district need not provide off-street parking, except that residential occupancies shall provide not less than one off-street parking space for each dwelling unit. Therefore, 100 parking spaces are required. The applicant is providing 100 off-street parking spaces allocated within the BPU parking garage to the west.
Advertisement:	Property Owner Letters – Plan Review: December 15, 2023; Final Plat: December 15, 2023 and January 11, 2024 <u>Wyandotte Echo</u> – None Required
Public Hearings:	February 12, 2024 and February 29, 2024

Public Support: Three (3) persons appeared in support at the February 12, 2024, City Planning Commission meeting.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Willie Lanier Jr. with Lanier United, is requesting to redevelop the Reardon Center by reducing its size to 7,500 square feet (previously approved 15,016 square feet) and moving its location, and constructing 100 market-rate apartments split between two (2) buildings with 7,000 square feet ground floor commercial in the first building (Phase 1) at 500 Minnesota Avenue.

City Ordinance Requirements: Article VII Sections 27-245 – 27-339 and Article VIII Sections 27-340 – 27-765

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. CMP22-0643 – No violations found; case closed – April 28, 2023.

Outstanding or Related Permits and Cases:

1. The City Planning Commission approved the Final Development Plan (PR-2020-018) on September 14, 2020.
2. The Unified Government Board of Commissioners approved the Preliminary Development Plan and Master Plan Amendment (PR2023-015 and MP-2020-2) on May 28, 2020.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This is the gateway to downtown KCK. The area is bounded on the south by the Strawberry Hill neighborhood, but this intersection is dominated by the Children's Campus, KU Health System and the Merc Co+op grocery store.

- ### ***2. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems. Streets are designed so as to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and structural quality as to accommodate prospective traffic as***

determined by existing and probable future land and building uses.

The street network in the area is more than capable of accommodating the increase in daily traffic. 100 parking spaces are being provided in the BPU parking garage and on-street parking along 5th Street will be reconfigured.

3. *The degree of conformance of the proposed use to the Master Plan.*

The proposed use complies with the Downtown Area Plan designation of Downtown Mixed Use, which allows mixed-use multi-story parking structures, pedestrian amenities and spaces – plazas, mid-block walkways, enhanced crosswalk, streetscape furnishings, outdoor café and display area to allow periodic extension of business activity outdoors, multi-story mixed-use buildings, alley access for limited surface parking, services and equipment, transit – local and regional availability.

4. *The capability of the proposed use to meet applicable ordinance and other requirements.*

With revisions to the site plan and landscape plan, the proposed use is capable of meeting applicable ordinance and other requirements.

5. *Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity.*

The proposed plat has various easements – access, utility, sanitary and storm sewers and dedication of right-of-way along 5th Street. Development will be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service provided by East Patrol, District #111.

e. Fire

Fire service provided by Station #1, located at North 6th Street and Armstrong Avenue.

f. Transit

Transit stops are located in front of the Reardon Civic Center on Minnesota Avenue for Route 101 and adjacent to the property across 5th Street for Route 101. The 7th & Minnesota Avenue Transit Center is less than two (2) blocks away, which serves Routes 101, 102, 103, 104, 106, 107 and 402.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

7. Assurance that buildings, lots, blocks, parcels, and streets are so arranged as to afford adequate light, open space, or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

The subject property is being subdivided into two (2) distinct lots, so the Reardon Center will be on a separate lot as will the mixed-use, multi-family building.

The C-D zoning district does not require setbacks from property lines, as the mixed-use, multi-family building will be on the northwest corner of the 5th & Minnesota Avenue intersection. The buildings will be so arranged as to afford adequate light, open space, or air to facilitate fire protection. This development will allow for long-term sustained real estate values not only for the proposed plat, but for the other properties on the same street block and outside of the proposed plat.

8. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

The site is being redeveloped by demolishing the Reardon Center, reducing its footprint and recessing the building further into the site away from Minnesota Avenue and a side yard entrance into the building. The Reardon Center will be on State Avenue. There are internal courtyards with sidewalks linking the BPU garage, Reardon Center and the mixed-use building that are not visible from the periphery.

There are no natural features of the land, but additional landscape and street trees along Minnesota Avenue, 5th Street and State Avenue will be installed.

- 9. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.**

The mixed-use, multi-family building will have amenities solely for the residents; however, the Reardon Center will be a multi-purpose event space that can host large events, but also sports competitions with a hardwood basketball court installed in the building.

PREVIOUS ACTIONS

1. The City Planning Commission approved the Final Development Plan (PR-2020-018) on September 14, 2020.
2. The Unified Government Board of Commissioners approved the Preliminary Development Plan and Master Plan Amendment (PR2023-015 and MP-2020-2) on May 28, 2020.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Microsoft Teams on December 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Mixed Use Design Guidelines
Parking
Privately-owned public space

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Preliminary and Final Plan Review Application **PR2023-039**, subject to:

1. **Keep the old Reardon Civic Center plaque and relocate it in a permanent location;**
2. **Obtain the necessary permits for art installation on the northwest corner of 5th Street and Minnesota Avenue;**
3. **Provide updated parking agreements with BPU that are recorded with the Register of Deeds;**
4. **Bulb out the westernmost pedestrian crossing across Minnesota Avenue, approximately where the pass-thru is into the internal courtyard on the Minnesota Avenue sidewalk matching what was installed on State Avenue to protect pedestrians and bus traffic;**

5. Extend the curb of angled parking to minimize the dead space along 5th Street;
6. Record public access agreement to create privately-owned public space in the interior courtyard.
 - a. No gate cutting off public pass-thru access from Minnesota Avenue to State Avenue;
8. All amenities shall be constructed in Phase I and available to all residents at the time a Temporary Certificate of Occupancy is issued;
9. Downspouts shall be internalized;
10. Plant one (1) additional street tree along North 5th Street, specifically in the “dead space” north of the northern most on-street parking stall;
11. Plant additional street trees along State Avenue in tree wells adjacent to the parallel parking in front of the Reardon Center and reduce the sidewalk to five (5) feet;
12. Per Section 27-699(a), the following landscaping requirements shall be met:
 - a. The area between the curb of a public street and the property line shall be brought to finish grade and planted in grass. In no case may this area be paved or covered with materials other than grass or an appropriate ground cover, except at approved driveways that shall be paved. Approved street trees may also be planted;
 - b. All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping continuously maintained;
 - c. No landscaping in street rights-of-way or in the required sight distance triangles on corner lots, as provided in Section 27-637, shall be allowed to exceed 24 inches in height, except for approved street trees;
 - d. At least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
13. Per Section 27-702(1)(a-d), all shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground;
14. Per Sections 27-699(b)(3), -699(b)(4), -700(b)(1), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent development requires the subject property to add additional landscaping or screening;
15. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
16. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. At all times, screening materials shall be well maintained;
17. All roof mounted units (mechanical equipment, elevator equipment, etc.) must be screened by the parapet of the building. Perforated metal screen will not effectively shield the equipment from public view;

18. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
19. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers;
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open;
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front;
 - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat;
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
20. 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;
21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
22. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
23. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
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;
25. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that

- requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned 19. District Requirements, Comprehensive Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of the beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond; and,
26. Sec. 27-211(j) In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **PR2023-039** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Designation Map
GeoSpatial Services Comment Letter
Final Plat
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photographs taken by Planning Staff on December 13, 2023.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Preliminary and Final Plan	February 12, 2024 Approval	February 29, 2024
Final Plat	February 12, 2024 Approved	TBD

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-039**, as meeting all the requirements of the city code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2023-039**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 4:20:00:

PLAT APPLICATION PLAT2023-041 – WILLIE LANIER WITH LANIER UNITED LLC

– **SYNOPSIS:** Final Plat to divide the property for a mixed-use redevelopment of the Jack Reardon Center, which includes apartments, retail commercial, and an event center at 500 Minnesota Avenue.

PLAN REVIEW APPLICATION PR2023-039 – WILLIE LANIER WITH LANIER

UNITED LLC – SYNOPSIS: Preliminary and Final Development Plan for a mixed-use redevelopment of the Jack Reardon Center, which includes apartments, retail commercial, and an event center at 500 Minnesota Avenue.

Detailed Outline of Requested Action: The applicant, Willie Lanier Jr. with Lanier United, is requesting to redevelop the Reardon Center by reducing its size to 7,500 square feet (previously approved 15,016 square feet) and moving its location and constructing 100 market-rate apartments split between two (2) buildings with 7,000 square feet ground floor commercial in the first building (Phase 1) at 500 Minnesota Avenue.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Rich Kniss, NSPJ Architects, representing the applicant, 3613 West 155th Street, Overland Park, Kansas
- Samir Nier, Sr., Vice President, owner of the Hilton Garden Inn, 520 Minnesota Avenue, Kansas City, Kansas 66101
- Melissa Williams, 626 Everett Avenue, Kansas City, Kansas 66101, Associate Pastor of First Baptist Church and newly elected President of the MERC Board of Directors
- Pastor Cedric Rowan, First Baptist Church, 5th and Nebraska Avenue, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:29:43: Planning Director Hand stated that these applications are being heard for the redevelopment of the Jack Reardon Center. The request is for a final plat and preliminary and final plan for 100 market-rate units and 7,000 square feet of retail space, and conference/convention multi-purpose center. The property is in the Downtown Area Plan. Staff received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 4:30:39:

On motion by Ms. Easterwood, seconded by Mr. Ward, the Planning Commission voted as follows to **APPROVE PLAT2023-041**:

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Motion to **APPROVE** Passed: 7 to 0

Subject to:

1. Keep the old Reardon Civic Center plaque and relocate it in a permanent location;
2. Obtain the necessary permits for art installation on the northwest corner of 5th Street and Minnesota Avenue;
3. Provide updated parking agreements with BPU that are recorded with the Register of Deeds;
4. Bulb out the westernmost pedestrian crossing across Minnesota Avenue, approximately where the pass-thru is into the internal courtyard on the Minnesota Avenue sidewalk matching what was installed on State Avenue to protect pedestrians and bus traffic;
5. Extend the curb of angled parking to minimize the dead space along 5th Street;
6. Record public access agreement to create privately-owned public space in the interior courtyard.
 - a. No gate cutting off public pass-thru access from Minnesota Avenue to State Avenue;
13. All amenities shall be constructed in Phase I and available to all residents at the time a Temporary Certificate of Occupancy is issued;
14. Downspouts shall be internalized;
15. Plant one (1) additional street tree along North 5th Street, specifically in the “dead space” north of the northern most on-street parking stall;

16. Plant additional street trees along State Avenue in tree wells adjacent to the parallel parking in front of the Reardon Center and reduce the sidewalk to five (5) feet;
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 - b. All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping continuously maintained;
 - c. No landscaping in street rights-of-way or in the required sight distance triangles on corner lots, as provided in Section 27-637, shall be allowed to exceed 24 inches in height, except for approved street trees;
 - d. At least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
13. Per Section 27-702(1)(a-d), all shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground;
14. Per Sections 27-699(b)(3), -699(b)(4), -700(b)(1), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent development requires the subject property to add additional landscaping or screening;
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18. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
19. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers;
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open;
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front;

- d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat;
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
20. 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;
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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;
25. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned 19. District Requirements, Comprehensive Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of the beginning of any work. Planning Department

standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond; and,

26. Sec. 27-211(j) In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

On motion by Ms. Easterwood, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review**

Application PR2023-039:

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to the above conditions

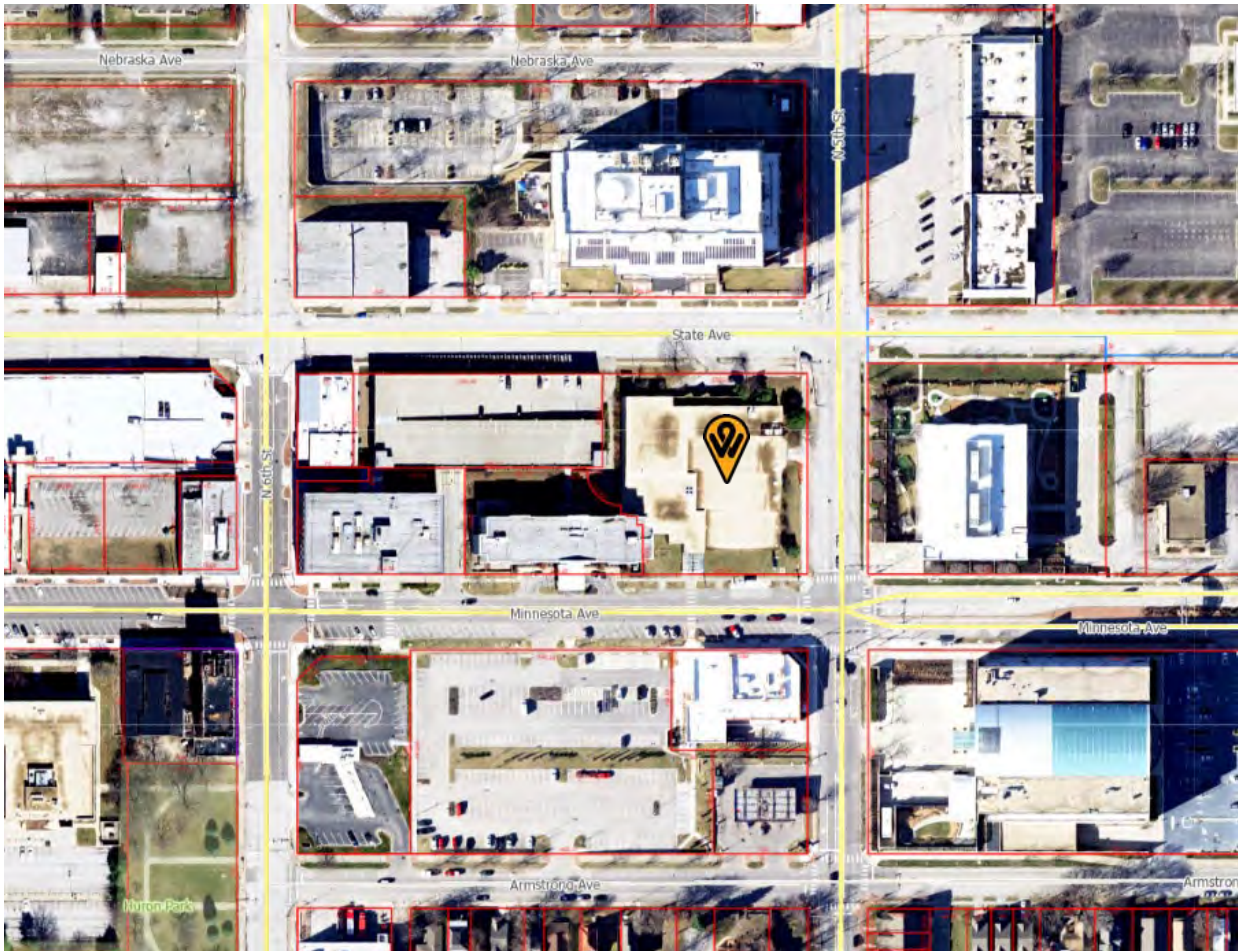


Figure 1. Aerial Map of 500 Minnesota Avenue (provided by UG Maps).

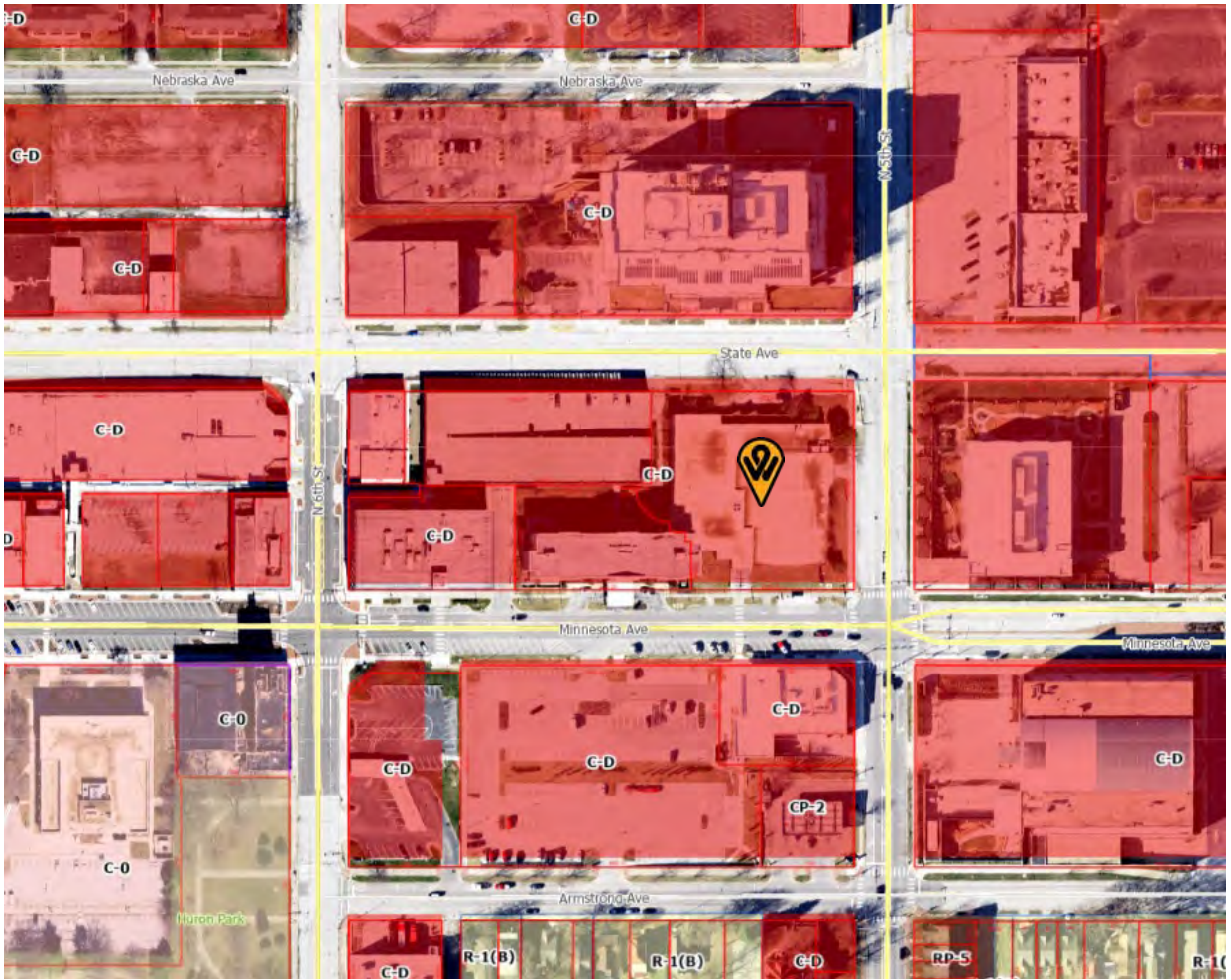


Figure 2. Zoning Map of 500 Minnesota Avenue (provided by UG Maps).

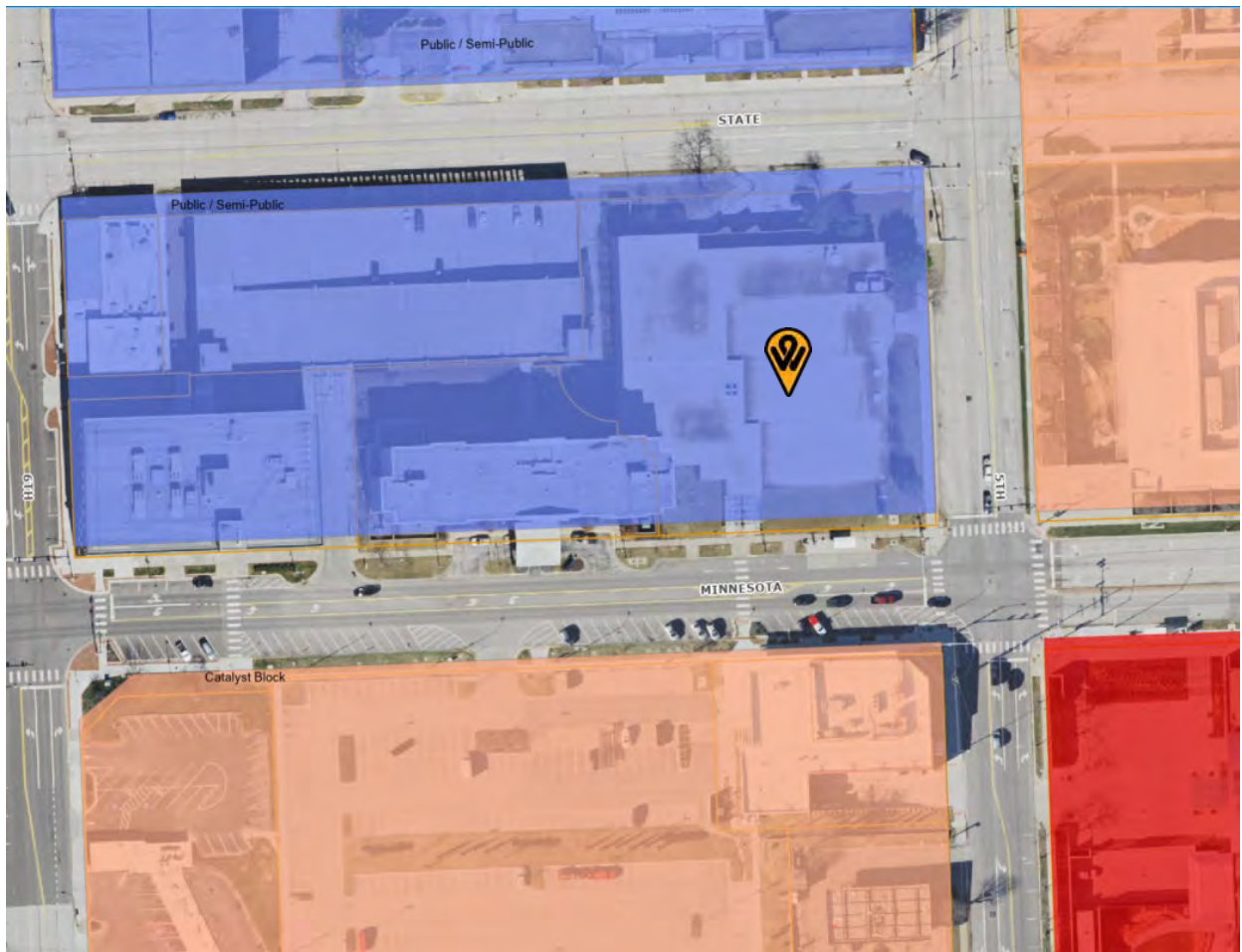


Figure 3. Downtown Area Plan Land Use Designation Map – MP-2020-2 was approved to Downtown Mixed Use by the Board of Commissioners on May 28, 2020 (provided by ArcGIS Pro).



GeoSpatial Services
Division

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: December 7, 2023
RE: **REPLAT OF LOT 2 & 4, REPLAT OF PARCEL 3, CENTER CITY**

We have researched the official county records for the above plat as submitted to Planning and Urban Design by:

Taliaferro & Browne, Inc.

And we have determined the following:

Takes all of CIC-TAS Parcels:

412301 & 412303

Owner-of-Record:

UG

Jurat Signature:

Mayor - UG

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comments.

1) Legal Description

Add a boundary legal description.

2) Name

Revise various name formats in Easements and Approvals to "Unified Government of Wyandotte County/Kansas City, Kansas."

3) Approvals

Update the mayor, chairman, Register of Deeds, UG Clerk, and year.

4) Corner Ties

I don't find any ties to corners found.

5) Easement Release

Revise note about easement to "Access Esmt. released by this plat."

6) TIF

Does there need to be change in the TIF boundary for these two lots?

DOWNTOWN MIXED-USE



Use Definition: Multi-story buildings with commercial/retail uses at street level preferred, with office uses and some residential uses above. Office uses may be allowed on first floor but should not dominate any block face. Similarly, access to residential uses is allowed at street level but residential units themselves are not. Live/work units with commercial/retail on the first floor and residential above are allowed if the work units on the first floor contribute to the commercial/ retail nature of the block.

Character:

- Mixed-use multi-story parking structures
- Pedestrian amenities and spaces – plazas, mid-block walkways, enhanced crosswalk, streetscape furnishings
- Outdoor café and display area to allow periodic extension of business activity outdoors
- Multi-story, mixed-use buildings
- Alley access for limited surface parking, services and equipment
- Transit – local and regional availability
- Maximized on-street parking
- Zero building set-back, except to allow entry, plaza, small park or outdoor use spaces

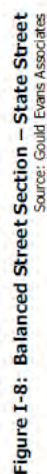
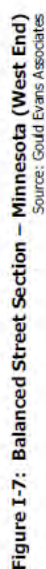


The Mobility Framework is comprised of five elements including streets, pedestrian connections, streetscape, transit and parking. All five elements work together to create the Mobility Framework that accommodates all modes of transportation to and within Downtown.



Figure I-4: Mobility Framework Map
Source: Gold Evans Associates

- Two to four lane section, wide sidewalk, on-street parking, left turn lanes at key intersections or continuous in some locations
- Pedestrian and vehicular amenities are encouraged, such as planters, trees, separation from traffic, transit shelters, area banners, parking signage, etc.
- Crosswalks at all intersections, enhanced materials, signaled at key intersections with other balanced streets
- Primary transit routes with stops at intersections with other balanced and pedestrian streets (*See Transit section below for accommodations*)



Pedestrian Streets – This category provides enhanced pedestrian routes and primarily supports mobility within Downtown (Figure I-9). These streets exist in a 64 foot right-of-way and are considered secondary vehicular traffic movers in Downtown. Transit facilities and routes would not typically be located on these streets. A pedestrian street would have many of the following characteristics:

- 2 lane section, wide sidewalks desirable, on-street parking required
- Enhanced pedestrian amenities – pedestrian lighting, signage, banners, benches, planters and trees, and trash receptacles
- Crosswalks – may incorporate crossing table, different paving material, signaled, etc.

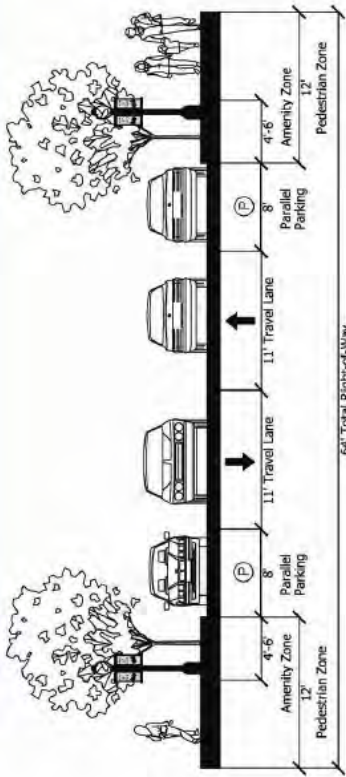


Figure I-9: Pedestrian Street Section (Typical)
Source: Gould Evans Associates

b. Streetscape, Enhanced Intersections and Gateways
The term streetscape generally refers to elements and items located in the public domain of a right-of-way such as streets, trees, sidewalks, plantings, pedestrian amenities and on-street parking. In general the streetscape is divided into four zones (Figure I-10):

- Traffic zone** – Allows the movement of traffic to and through the area, should be unobstructed to vehicular traffic except at intersections. May also accommodate transit and bicycle functions.
- Parking zone** – Provides on-street, in-front parking opportunities and provides a buffer between pedestrians and moving cars. May be periodically intersected for transit, turning and other functions.

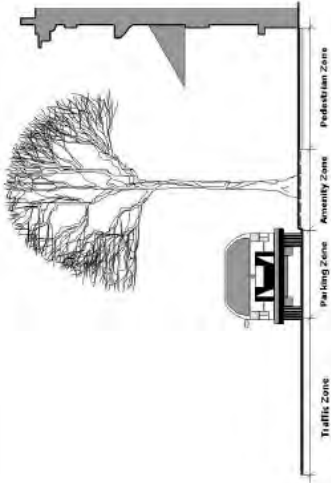


Figure I-10: Streetscape Zones
Source: Gould Evans Associates

Amenity zone – Provides an additional buffer to the street with pedestrian oriented amenities such as street trees, lighting, benches, trash receptacles, kiosks, newspaper stands, public art and additional landscaping.

Pedestrian zone - Facilitates the movement of pedestrians and provides access to buildings. Should remain relatively clear of obstructions. In some instances seasonal amenities such as outdoor cafes, sidewalk sales and street vendors are allowed provided pedestrian movement is not compromised.

The elements and items in the streetscape for Downtown Kansas City, Kansas assist in defining its character. To further delineate a distinct, identifiable image and character for the Downtown, the plan proposes a hierarchy of streetscape related to the street designation and the intensity of the public right-of-way activity. The streetscape sections, previously shown in the plan, provide an idea of what a typical streetscape for each type of street might look like. Design details, element placements and specific themes or furnishings or plantings will need to be addressed at the next level of streetscape planning and design.

In relation to the streetscape as a defining element, specific intersections should be identifiable pieces of Downtown. Several key intersections are identified as gateways or enhanced intersections:

- Washington at 18th, 13th, 10th, 7th, 5th and at the curve to I-70.
- State at 18th, 13th, 10th, 7th, and 5th
- Minnesota at 10th, 7th, 5th, and I-70
- Tauromee at 7th

These intersections should be enhanced through physical design. In general, enhanced intersections should include:

- Enhanced crosswalks with different paving treatment and signalization to increase pedestrian comfort and use

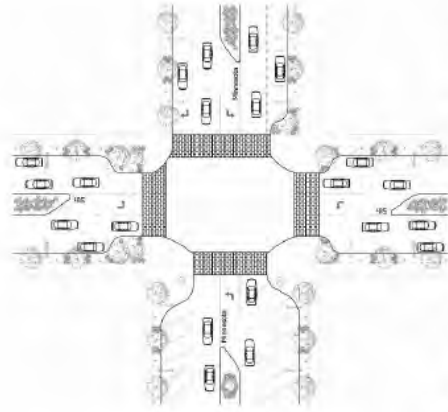


Figure I-11: 5th and Minnesota Intersection
Source: Gould Evans Associates

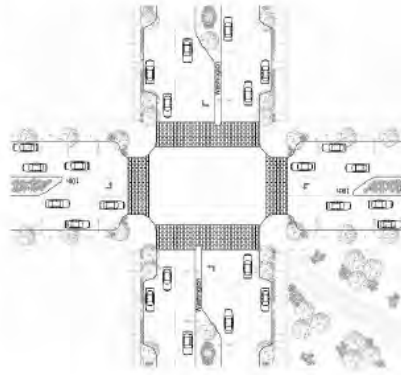


Figure I-12: 10th and Washington Intersection
Source: Gould Evans Associates

- Pedestrian amenities including benches, trash receptacles, lighting and planters or street trees
- Public art amenities and wayfinding elements or features
- Downtown, district and/or neighborhood gateway, entry or welcome monument signage feature where appropriate
- Transit accommodations where appropriate

Figures I-11 and I-12 provide examples of two typical enhanced intersection locations.

c. Pedestrian Connections

Another element of mobility consists of dedicated pedestrian connections. Often times these connections link places or destinations that people frequent within an area. Connections of these types are often themed and can tell a story as pedestrians walk along them. In this case the extension of the Riverfront Heritage Trail network provides an opportunity to develop both on-street and off-street pedestrian linkages (Figure I-13 & I-14) to a variety of Downtown and community destinations.

Riverfront Heritage Trail – provides a pedestrian connection between open space and points of interest in Downtown and the surrounding neighborhood and community sites. Currently, the Riverfront Heritage Trail traverses the West Bottoms and the Kansas River as it makes its way from Downtown Kansas City, Missouri to Downtown Kansas City, Kansas. The trail terminates at 6th and Armstrong. Extensions of this trail are proposed to connect Downtown with Kaw Point, Jersey Creek, Quindaro

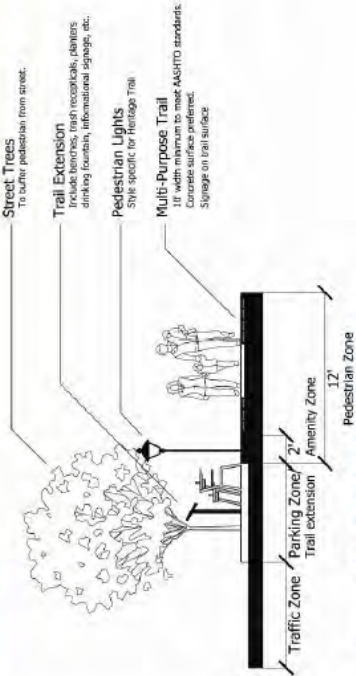


Figure I-13: Trail Section – On-street
Source: Gould Evans Associates

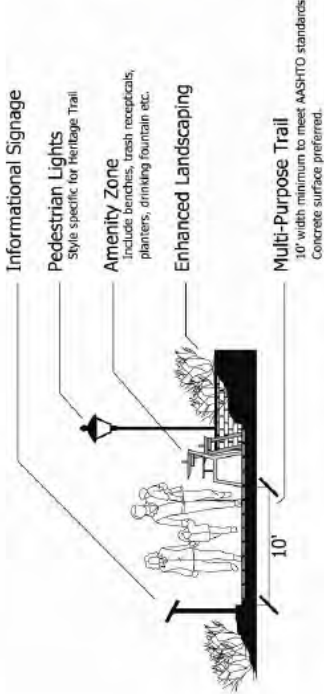


Figure I-14: Trail Section – Off-street
Source: Gould Evans Associates

Boulevard, Fairfax District, Central Avenue and City Park. The trail should have the following characteristics:

- Minimum 10' multi-use trail, off-road, where feasible
- Directional signage and pedestrian lighting.
- If themed, artistic monuments/markers portraying theme specifics or reflecting local heritage, historical or cultural events/sites/people
- Meet ADA, AASHTO standards for trail design

d. Transit

Transit creates important connections to and within Downtown. Transit is most effective when a critical mass of development is achieved and transit serves to connect people to jobs or commerce or other destinations of community importance. In Downtown Kansas City, Kansas transit has the opportunity to do all of this. The future location of transit services and facilities needs to be flexible and accommodate different transit technologies as they change from bus, to bus rapid transit, to light rail, to other technologies and methods.

Transit, based on the land use patterns and street network proposed, should operate on the balanced streets within Downtown. The balanced streets provide an opportunity to capture both commercial and employment traffic. These streets are also major connectors to other parts of the community. The accommodation of transit technologies such as light rail will require the reconfiguration of the balanced street sections. Changes may include removal of the median or a parking lane to accommodate transit and associated

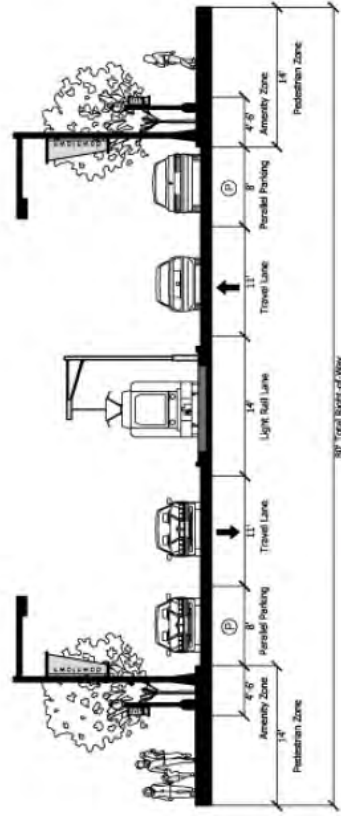


Figure I-15: Light Rail Street Section Concept – State Avenue
Source: Gould Evans Associates

a. Building Envelope

The building envelope is the area in which structures can be built. In a Downtown or an urban setting, the building envelope is best defined by parameters related to setbacks and height. The character of an attractive and inviting Downtown is significantly shaped through the use of proper and consistent setback and height requirements.

Setback – defines the buildable area on the site using the front, rear and side setbacks and should encourage a continuous street front of buildings, except for plaza, courtyard, entry or other desired areas.

Height – defines the buildable volume on the site through a maximum or minimum number of stories or feet that is consistent with the surrounding development context. It should encourage full utilization of land by establishing minimum building heights.

b. Street Level Design

The character of a place is impacted by how structures and spaces are perceived and function in relationship to the street. Most people experience the place from the street; their perceptions and experiences are formed by what they see and experience while walking and driving in the place. Useable and welcoming outdoor spaces, pedestrian friendly façade qualities and well designed parking facilities promote comfort and safety within a successful urban place.

Outdoor Spaces – define outdoor activity spaces for residents and patrons by encouraging well designed:

- Public gathering places including plazas or courtyards
- Building entries
- Outdoor business activity areas including dining areas and outdoor cafes
- Use of public areas including parks, open space and rights-of-way

Façade Qualities – define the character of the primary and secondary frontage (i.e. corner buildings) of a building to reinforce a pleasant experience along public pathways (i.e. streets, alleys, sidewalks, trails, etc.). Features that influence this experience include:



- Windows that provide transparency to buildings
- Design details such as moldings and accents that provide articulation in the building form
- Façade widths that break up block lengths
- Awnings and canopies that can bring the scale of the building to street levels
 - Architectural embellishments that add design character to the building



Parking Facilities – define functional and design characteristics that interface with the street level experience. Both surface and structured parking facilities should be integrated into the urban context.

Surface lots should be designed to encourage appropriate:

- Edge treatments – screening/buffering/landscaping or building façade continuation
- Surface treatment – appropriate surface materials and maintenance for the area
- Ingress/egress locations – in light of automobiles impact on pedestrian and traffic flow at the sidewalk and street
- Internal layout – addressing automobile and pedestrian flow as well as landscaping/softening within the parking area

Structured parking should be designed in an integrated manner with other structures to encourage a continuous street-front of active uses:

- Façade treatment – to blend visually with other buildings and structures
- Mixed-use structures - other uses on the ground level along public streets to minimize dead space along the street
- Function – providing a mixture of uses as part of the garage structure including retail, office or residential
- Building materials – in context with surrounding structures
- Ingress/egress locations – in light of automobile impact on pedestrian and traffic flow



Existing parking facilities that effectively provide parking within downtown should be redesigned/redeveloped to incorporate these design elements.

c. Character

Other functional elements associated with public and private projects impact the character of a place and the perception people have of that place. The type and amount of various building materials and signage impacts the feeling of quality (i.e. historic, contemporary, eclectic, etc.) and long-term viability of a place. Service area and equipment placement and screening are associated with the cleanliness of a place. The quality of streetscape and public spaces also contribute to the sense of comfort and safety within a place.

Building Material - provides definition and identity to the Downtown, districts and uses by addressing primary and secondary facades, and all visible areas in a manner that reflects long-term investment and stability. Masonry materials (i.e. brick and stone) should be dominant materials along with the use of glazing (i.e. glass) and metal in traditional urban/Downtown forms.

Signage – should encourage creativity and should provide identification and direction through cohesive design standards that address size and scale, type and location within the context of the area. Signage should be oriented to pedestrians through smaller wall, projecting or window signs.

Service Area and Equipment – should integrate service areas and equipment into site design by addressing location, screening and operations. The intent is to encourage hiding such functions and equipment. Screening of these areas should be consistent with adjacent building design

Streetscape – encourages pedestrian movement, separation from traffic, and softening of hard edges of the urban environment through furnishings (i.e. benches, light fixtures/methods, bike racks, transit shelters, etc.), landscaping, public art and pedestrian amenities (i.e. crosswalk design, pavement types and designs, etc.)



KEY ISSUES

Mixed Use Design Guidelines
Parking
Privately-owned public space

Response: Acknowledged.

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. Please review Appendix A in the Downtown Master Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the development plan.

https://www.wycokck.Org/files/assets/public/v/1 /planning-amp-urban-design/documents/downtown_master_plan.pdf

Response: The project team has reviewed Appendix A and the Downtown Master plan. Some incorporated elements are listed below:

Streetscape Design:

- Space for rideshare pickup / drop-off is provided on the western edge of Minnesota Ave. The existing bus stop remains. Back-in angled parking is provided on N 5th St. and parallel parking is provided on State Ave. This along with multiple curb bulb-outs shelter pedestrian traffic from the street traffic.
- All destinations on and surrounding the site are interconnected via multiple entries, paths, and crosswalks.
- The Heritage Trail system runs along the east side of the site with a 10' wide walkway, with landscaping, and benches, and places for the installation art to enhance the public realm.

Site and Open Space Design:

- Civic / quasi-civic space: The Event Center entrance path allows for gathering before and after events (without causing congestion) with plaza features such as tiered seating and quality landscaping.
- Site utility and service areas are appropriately screened and located away from high traffic areas.

- Attractive pedestrian lighting will be provided throughout the site.
- Most parking occurs in the BPU parking garage maximizing use of the site.

Building Design:

- Buildings have multiple orientations towards the streets and the internal central green.
- Zero lot line facades anchor the street with single-story storefronts and entrances.
- Facades include differentiated base, middle, and top via variations in materials. More public uses like the commercial spaces and Event Center have more glazing for transparency, while private residences feature smaller glazing reflecting a true-mixed use design.
- All facades and storefronts are broken up to favor vertical proportions.
- The taller height of the mixed-use buildings match the surrounding central business district and increase residences built.

Open Space Design:

- The open spaces in the site will contain aspects of pedestrian passages, plazas, and greens.

2. Keep the old Reardon Civic Center plaque and relocate it in a permanent location.

Response: Reardon Civic Center plaque will be preserved and permanently relocated.

3. What programming will be in the open space between the mixed-use building, BPU parking garage and the Reardon Civic Center?

Response: The open space between the phase II mixed-use building and the event center will be programed to accompany events held in the Event Center. The space between the BPU parking garage, Event Center and Mixed Use Phase I Apartment Building will have space for seating, green space, and phase II amenities.

4. Will there be art installations on the northwest corner of 5th and Minnesota.

Response: Project team will provide several locations for public art including at the entrance to the pedestrian pass-thru off Minnesota, the entrance path to the Event Center off of State Ave, as well as along the Heritage Trail.

5. Provide updated parking agreements with BPU that are recorded with the Register of Deeds.

Response: The recorded parking agreement with BPU will be provided to Register of Deeds.

6. Bulb out the westernmost pedestrian crossing across Minnesota Avenue, approximately where the pass-thru is into the internal courtyard on the Minnesota Avenue sidewalk matching what was installed on State Avenue to protect pedestrians and bus traffic.

Response: Bulb out was not included at this location to provide space for ride share traffic. Sign placard will be posted to demark this location.

7. Extend the curb of angled parking to minimize the dead space along 5th Street.

Response: Curb of angled parking will be extended to minimize dead space along 5th St.

8. There appears to not be an ADA ramp for access from the egress door/stairwell onto 5th Street.
 - a. Is this emergency access on the east elevation and need to be ADA compliant, or,
 - b. Is the residential door on the east side entrance/exit - just fire exit only?

Response: This eastern stair is an egress stair. Emergency access on the east side of the phase I mixed use apartment building occurs at the main apartment entrance just to the south in close proximity to the fire command center.

9. Record public access agreement to create privately-owned public space in the interior courtyard.

Response: The public access agreement for the privately held public space in the central green will be recorded.

- a. No gate cutting off public pass-thru access from Minnesota Avenue to State Avenue.

Response: The pedestrian passage in the phase I mixed use apartment building will remain gate free to allow public pass-thru access from Minnesota Ave to State Ave.

10. What amenities are being provided in the first phase for the multi-family residents?

Response: Phase I residents are provided the following amenities:

- Access to the viewing terrace on the 8th floor.
- Access to a fitness center in commercial suite 3 which will also be available to the public for a membership fee.
- Access to the Event Center.
- Every residential unit has a balcony for private outdoor space access.

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

Response: Acknowledged.

12. All existing and future driveways must feature curb cuts that are constructed to UG standards.

Response: Acknowledged.

13. 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.

Response: Acknowledged.

14. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Response: Acknowledged.

15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

Response: Acknowledged.

16. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

Response: Per conversation with Mr Byron Toy at the PR2023-039/PLAT2023-041 Staff Report Comments meeting at 10am on December the 20th this will be revised to read "... completed within eighteen (18) months of approval..."

Building Architecture:

1. Please review Appendix A in the Downtown Master Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the development plan.

https://www.wycokck.Org/files/assets/public/v/1 /planning-amp-urban-design/documents/downtown_master_plan.pdf

Response: Please see comment response for General Comment #1 for incorporated elements of Appendix A.

2. Downspouts shall be internalized.

Response: All downspouts shall be internalized. Drawings will be updated.

Landscaping and Screening:

1. Plant street trees along North 5th Street.

Response: The abundance of existing utilities (including major overhead power lines) limits the space available for additional street trees along 5th street. The design team has added a landscape bed in the "dead space" on the north end of the on-street parking (as per General Planning Comment #7) and one tree to the design.

2. Plant additional street trees along State Avenue in tree wells adjacent to the parallel parking in front of the Reardon Center and reduce the sidewalk to five (5) feet.

Response: The sidewalk has been reduced to 5ft and street trees added along State Avenue.

3. Per Section 27-699(a), the following landscaping requirements shall be met:
 - a. The area between the curb of a public street and the property line shall be brought to finish grade and planted in grass. In no case may this area be paved

or covered with materials other than grass or an appropriate ground cover, except at approved driveways that shall be paved. Approved street trees may also be planted.

Response: Acknowledged.

- b. All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping continuously maintained.

Response: Acknowledged.

- c. No landscaping in street rights-of-way or in the required sight distance triangles on corner lots, as provided in Section 27-637, shall be allowed to exceed 24 inches in height, except for approved street trees.

Response: Acknowledged.

- d. At least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees.

Response: Acknowledged.

- 4. Per Section 27-699(b), the following screening requirements shall be met:
 - a. Screening shall not extend into the sight distance triangle or beyond the required parking or paving setback where side or rear lot lines approach a street right-of-way.

Response: Acknowledged.

- b. Where the required screening is made ineffective by topographic or other uncontrollable conditions or where the screening would tend to obscure another commercial or industrial use, buffer plantings and/or shade trees may be substituted.

Response: Acknowledged.

- c. 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.

Response: Acknowledged.

- d. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned

property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.

Response: Acknowledged.

5. Per Section 27-702(1)(a-d), all shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground.

Response: Acknowledged.

6. Per Sections 27-699(b)(3), -699(b)(4), -700(b)(1), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent development requires the subject property to add additional landscaping or screening.

Response: Acknowledged.

7. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned 19. District Requirements, Comprehensive Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of the beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.

Response: Acknowledged. Project team will schedule a meeting via EDR email to confirm all CO and TCO requirements with all relevant departments.

8. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

Response: Acknowledged.

9. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. At all times, screening materials shall be well maintained.

Response: Acknowledged.

10. All roof mounted units (mechanical equipment, elevator equipment, etc.) must be screened by the parapet of the building. Perforated metal screen will not effectively shield the equipment from public view.

Response: Acknowledged. All equipment screens shall comply.

11. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

Response: Acknowledged.

12. Regarding BPU transformer screening, the following applies:

- a. Gate doors are required for all types of screening that are placed in front of the transformers.
- b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
- c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
- d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
- e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity, (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).

- f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

Response: The BPU transformer will be screened on the south by the building and retaining wall, and on the east by a gate. Upright evergreens have been added on the west and north sides of the transformer outside of the clearance zone.

Signage:

- a. 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.

Response: All signage will comply with the section 27-723(a).

Planning and Engineering Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B. Items that are conditions of approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - 2) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Response: Engineering review and approval occurs under a separate application. Please see memorandums and responses regarding erosion control, general engineering, retaining walls, sanitary sewer, storm drainage and street review.



Meeting Minutes:

Application Number: PR2023-039, PR2023-039.PLAT2023-041

500 Minnesota Avenue

Date and Location: 12/26/2023 via Teams

Meeting called to order at: 6:05 pm

Names of people in attendance provided by teams:

Willie Lanier, Jr. - Lanier United LLC,
Dan Musser - Newmark Zimmer,
Dan Wehmueller - Newmark Zimmer,
Rich Kniss - NSPJ,
Katie Martinovic - NSPJ,
Stephanie Stone - NSPJ,
Hans Carttar - Community Mercantile
Deon Whitten - Community Mercantile
Laura Marsh - Community Mercantile

The following is a summary of the presentation by Rich Kniss of NSPJ:

The Reardon Center was described including its Site, Commercial, Apartment, and Event Center components. The development team from Lanier United, Newmark Zimmer, NSPJ and Taliaferro and Browne introduced. Reference neighborhood context map and existing Jack Reardon Center Convention Center were presented. Rendered site plan was presented including all buildings, parking, bus stop and pedestrian paths. Building plans and program for the mixed use building were presented next. Programmatic elements were highlighted including the planned fitness center on the first floor, example typical floor plans including efficiency, 1 and 2 bedroom units and accompanying balconies. Balconies activate the street side and the interior central green. The amenity terrace on the 8th floor will have room for 50 people with fire pit and grilling stations and great views of downtown. Facades treated with variation in color and materials to give interest to the building. The commercial spaces have brick, signage, and increased glazing. Color

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proportion and attention to scale wrap the entire building. Next the Event Center can accommodate 300 people including event space with warming kitchen, bathrooms etc. Event Center is more opaque on the side facing the parking garage. The facade facing the mid-block walkway and the façade facing State Ave are more transparent.

Presentation ended with time for questions.

Willie Lanier: This is the same project as presented in 2020. We are updating the planning and zoning application so, needed to have a neighborhood meeting. We are happy to answer any questions.

Hans Carttar: Have the plans changed at all from 2020?

Willie Lanier: Changes in build costs meant adding a phase 2 mixed use building. Taller buildings and shorter [length] buildings give us [room for] phase 2, Event Center is same place as before.

Deon Whitten: What's the timeline for construction and completion?

Willie Lanier: Start of construction will be April 1st. It will be 16-18 months to complete project from a construction standpoint.

Deon Whitten: Being on the board at the Merc. I can see obvious benefits. Have you thought about minimization of disruptions? So, construction doesn't negatively affect operations?

Willie Lanier: Lanier United has good connection with the Merc and ongoing discussion with leadership. The project will increase foot and vehicular traffic. The net benefit would be positive. We will make sure we have a respectable corridor to benefit the Merc or anyone else passing through.

Deon Whitten: My concern was during site construction.

Willie Lanier: Construction parking is needed. Construction workers will not be parking on Minnesota Ave. There will be some impacts during street repair like any other project. Most of the Merc's customers prefer to park on



the street for ease of access. We see that and are aware of that and do not intend to provide any extra disruption during day-to-day processes.

Hans Carttar: What's your vision for occupancies?

Willie Lanier: Preleasing will start a little past mid-point of project with 4-6 month for pre-lease. We believe we will have a relatively quick lease up. We are confident based on similar projects.

Hans Carttar: What are anticipated demographics? Income levels?

Willie Lanier: Per the development agreement – Units are 100% geared to market rate housing. Per the agreement 5% of those units will be geared to 70% of income level of 50,000. So, 35,000-70,000 dollar range yearly income. We believe that most tenants would need to have an income that exceeds approximately 50,000 dollars.

Hans Carttar – I saw 95 units. Is that on phase 1 or spread across both phases?

Willie Lanier: The design has 100 units. We are planning a project that has 85 to 100 units with additional units in phase 2.

Hans Carttar – I am also on the merc board.

Willie Lanier: Goal is to get this project off the ground. I'd like to see prepared food on a daily basis at the Merc. We need foot traffic for that. A lot of good things happen with additional foot traffic impacting stores and operations.

Deon Whitten: Are there any other community benefits?

Willie Lanier: Commissioner Davis presented some community benefits recently. There aren't any other community benefits as part of the contract. There are some women owned and minority business requirements. These are not requirements of the contract. These are community benefits I am doing on my own as a developer. I also have plans that have not been disclosed to market yet.

Deon Whitten: What did Commissioner Davis present?

Willie Lanier: A unified government program created in development with Commissioner Davis and outgoing Commissioner Johnson. Fees go to certain community benefits. Go read it so I don't do it a disservice. As far as community benefits, I am building where other people aren't building. Mr. Lanier asks for consideration in that he's a single developer and has to maintain the same responsibilities as anyone else carrying the developer title.

Deon Whitten: I am asking questions that the community has asked of me. I understand that you operate as a business. I want you to know where I come from. I appreciate the project and the fact that you are continuing despite the apprehensions that you have had. I want to represent this project to my community.

Willie Lanier: This discussion is prudent. We can't do everything on the first job. But this can be a catalyst for future development downtown.

Deon Whitten: I don't want to dominate the conversation as I see 10 people in this meeting. You have the full support of me on this project. It's something I'm looking forward to seeing. What has been the reception of UG? How confident are you of the process?

Willie Lanier: I recommend you and all your friends attend the public meeting. It's always positive to see true participation. We are very confident of the process.

Deon Whitten: The next [meeting] is on the 8th correct?

Willie Lanier: That's correct. It's not about me. Any meeting that is happening downtown your people need to be present.

Deon Whitten: We have our board meeting that night. We are going to spread the word. It's a community effort.



Willie Lanier: We appreciate you taking the time over the holidays. The next meeting is on January 8th. We are excited. We have a great team that we have assembled.

Rich Kniss: If you have any questions feel free to reach out to myself or anyone on the team.

Deon Whitten: What's your position Rich?

Rich Kniss: I am a senior project manager.

Deon Whitten: Can you post your contact information Rich?

Rich Kniss: I can post in the chat. You can send any questions you may have to myself or Stephanie Stone who a project manager on this project is also.

Meeting adjourned at: 6:45pm

No questions or comments were received outside the meeting.

Please see attached address labels of whom was contacted regarding the neighborhood meeting.

Copies To

Willie Lanier, Jr. - Lanier United LLC,
Dan Musser - Newmark Zimmer,
Dan Wehmuller – Newmark Zimmer,
Tim Homburg - NSPJ,
Rich Kniss – NSPJ,
Katie Martinovic – NSPJ
Brad Hus – NSPJ
Patty Yang - Taliaferro and Browne,
The Community Mercantile

Meeting Minutes By
Stephanie Stone, NSPJ

Date
December 26, 2023

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Virginia)
COUNTY OF Alexandria) SS:

Comes now Willie Lanier, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #PR2023-039.PLAT2023-041-500
Minnesota Avenue
2. That I conducted a neighborhood meeting on December 26, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Willie Lanier
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of December, 2023.

My commission expires 31 of August, 2027.

BRIANNA SHANICE BROWN
NOTARY PUBLIC
Commonwealth of Virginia
Registration No. 8094340
My Commission Expires August 31, 2027

Brianna Shanice Brown
Notary Public





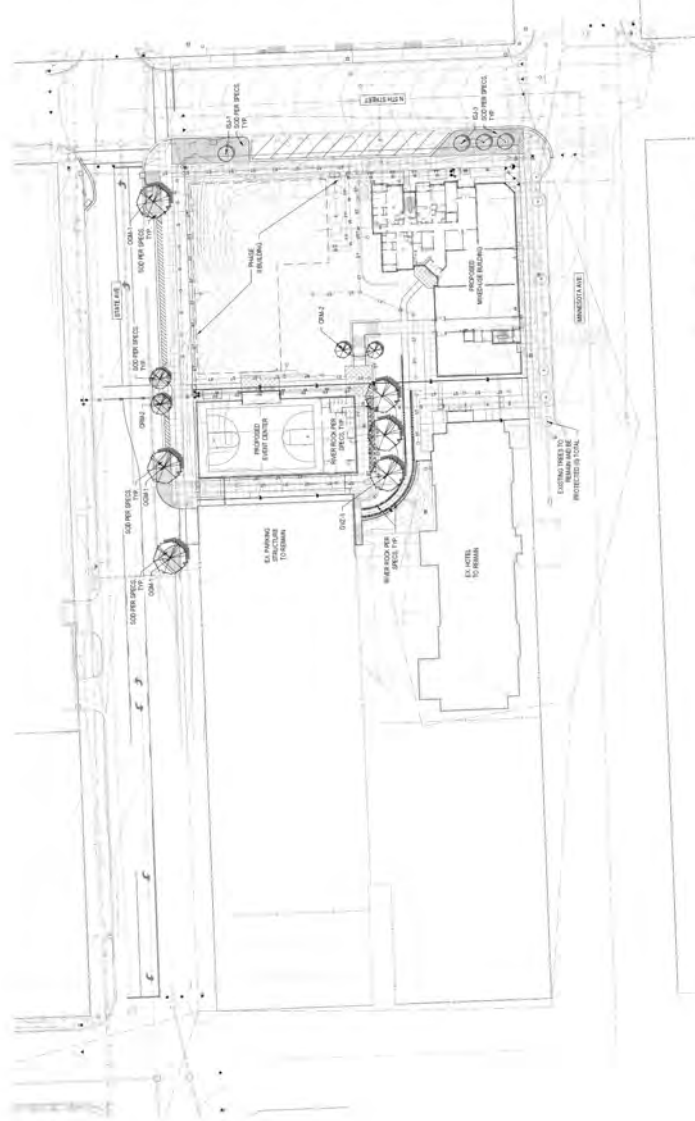








Figure 4. Site Photograph of the Reardon Civic Center from North 5th Street looking northwest (provided by Planning Staff).



Figure 5. Site Photograph of the Reardon Civic Center from Minnesota Avenue looking northeast (provided by Planning Staff).



Figure 6. Site Photograph of the Reardon Civic Center from State Avenue looking south (provided by Planning Staff).



Figure 7. Site Photograph of the Reardon Civic Center from State Avenue looking southwest (provided by Planning Staff).

(Published _____)

SP2023-066

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-066, commonly known as 408 Sandusky Avenue, Kansas City, Kansas, legally described as:

The East 24 feet of Lot 50 and the West 2 feet of lot 51, in Block 156, in WYANDOTTE COUNTY, now a part of Kansas City, Wyandotte County, Kansas, located at approximately 408 Sandusky Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for non-owner-occupied Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. The applicant shall maintain the provided parking agreement throughout the duration of the Special Use Permit;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
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 maintenance 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. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. 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;

- 15. 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;**
- 16. 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;**
- 17. 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;**
- 18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and**
- 20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise**

determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-088

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-088, commonly known as 11411 Hollingsworth Road, Kansas City, Kansas, legally described as:

Westridge Estates First Plat, 522, T10, R23, 233645 sq ft, L11 5.3 acres, located at approximately 11411 Hollingsworth Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit to produce gummies, topicals and a powdered drink.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. No signs that advertise for or give directions to the business shall be posted on the subject property;**
- 2. No employees other than family members may work at the subject property;**
- 3. There shall not be any equipment that creates excessive amounts of dust, noise, or light, or otherwise interfere with radio or television reception;**

4. No trucks with a gross vehicle weight rating over 10,000 pounds or other heavy equipment shall be parked on the subject property;
5. No customers shall come to the subject property to place orders or pick up products;
6. Only inventory samples of food products and gummy-, topical-, and powdered drink-manufacturing supplies shall be stored on the subject property;
7. There shall be no parties at the subject property related to the Special Use Permit, including “manufacturing parties” or a “sales parties”;
8. All products must be packaged by Applicant, and all products are sold directly to third-party consumers;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances (Section 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 parking shared with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or

constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

15. The Special Use Permit shall be valid for 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;
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; and,
17. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-089

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-089, commonly known as 10120 Hollingsworth Road, Kansas City, Kansas, legally described as:

RIVERHILL ADD, S14, T10, R23, ACRES 9.450000, L12, located at approximately 10120 Hollingsworth Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit for a dog grooming operation.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. All cleaning products shall be disposed of in accordance with the products directions;**
- 2. Hours of operation should be limited to Weekdays between 7:00 AM and 6:00 PM;**

3. No dogs shall be boarded on the property. If the applicant seeks to expand to boarding, they will be required to amend their Special Use Permit;
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 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;
 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; and,
 14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-102

ORDINANCE NO. _____

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.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-102, commonly known as 614 Reynolds Avenue, Kansas City, Kansas, legally described as:

Tract I:

All of Lots 46, 47, 48, 49 and 50, lying South of 6th Street Auxiliary and West of 6th Street, Bolles Addition to Riverview, now in and a part of Kansas City, Wyandotte County, Kansas, less that part condemned by the City of Kansas City, Kansas, for street purposes;

Tract II:

All of Lots 73, 74 and 75, Bolles Addition to Riverview, now in and a part of Kansas City, Wyandotte County, Kansas;

Tract III:

All of Lot 76, Bolles Addition, and that portion of Lot 77, Bolles Addition, and of Lots 16, 17, and 18, Block 5, Riverview, not presently being used as the right of way for the Sixth Street Auxiliary Trafficway, originally condemned by the City of Kansas City, Kansas, by Ordinance No. 27601, all in Kansas City, Wyandotte County, Kansas.

Located at approximately 614 Reynolds Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a drinking establishment with live entertainment.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. Continue to maintain the sidewalks free of debris and overgrown vegetation along Reynolds Avenue and North 6th Street Trafficway;
2. Maintain the existing tree stand in order to screen the nearby residences from the proposed use;
3. Staff will continue to work with Applicant to address the need for landscaping on the subject property—especially along North 6th Street—in order to mitigate any negative externalities that may be associated with the live entertainment special use;
4. The maximum number of occupants is 75;
5. Per Section 27-464(c)(9), retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 a.m. and 1:00 a.m. of the following day;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Section 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; and,
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

11. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
12. This City Planning Commission case is being heard in conjunction with BOZA2023-048. 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 BOZA2023-048 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
13. The applicant has filed and maintained a current business occupation tax application and entertainment license;
14. 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;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. 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;
17. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
18. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
19. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;

20. 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 33,742 square feet, requiring five (5) trees be provided on the site plan;
21. Section 27-464(g) requires a six (6)-foot-high architectural or landscape screening 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;
22. Section 27-699(a)(4) states that at least one-half (0.5) of the trees planted to fulfill the tree planting requirements shall be shade trees;
23. 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 (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
24. 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 five (5) to six (6) feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be six (6) to eight (8) feet when planted as measured 12 inches above the ground;
25. Section 27-699(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;
26. 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;
27. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure 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;

28. 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;
29. 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 three (3) 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;
30. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
31. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
32. Per UG standards compliant “No Parking” signs in the unimproved portion of the parcel where currently the glass recycling and trash enclosure is located to prevent overflow parking for the existing parking lot.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-104

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-104, commonly known as 1206 North 132nd Street, Kansas City, Kansas, legally described as:

All of Lot 104, DELAWARE RIDGE, FIRST PLAT, a subdivision in the City of Kansas City, Wyandotte County, Kansas, EXCEPT the following: Beginning at the Southeast corner of Lot 104, DELAWARE RIDGE, FIRST PLAT, a subdivision in the City of Kansas City, Wyandotte County, Kansas; thence S 88 degrees 27'09" W, along the Southerly line of said Lot 104, a distance of 122.09 feet the Southwest corner of said Lot 104; thence N 03 degrees 22'57" W, along the Westerly line of said Lot 104, a distance of 39.92 feet; thence N 88 degrees 20'11" E, along a line that is coincident with a common wall of a duplex on said Lot 104, and its extension thereof, a distance of 123.37 feet to a point on the Easterly line of said Lot 104; thence S 01 degrees 32'51" E, along said Easterly line a distance of 40.15 feet to the point of beginning, located at approximately 1206 North 132nd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit to operate a cottage bakery business.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the

performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. If the applicant intends to expand the use, they may be required to revise their Special Use Permit to reflect this expansion;
2. Any guests coming to the residence to pick-up orders shall park in the driveway. No on-street parking is allowed;
3. 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;
4. All exterior lighting, whether mounted on a building or within a parking lot 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;
5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
6. If approved, the applicant must file and maintain a current business occupation tax application with this office. The Business Licensing Division is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is businesslicense@wycokck.org (913) 573-8780;
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. 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;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The

property may also be subject to enforcement actions and administrative citations;

11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for 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;
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; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-105

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-105, commonly known as 4509 Garfield Avenue, Kansas City, Kansas, legally described as:

Lot 200, WYANDOTTE VILLAGE, a subdivision in Kansas City, Wyandotte County, Kansas, located at approximately 4509 Garfield Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a non-owner-occupied Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Maximum number of guests shall be 7;**
2. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**

4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the applicant must file and maintain a current business occupation tax application with this office. The Business Licensing Division is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is businesslicense@wycokck.org (913) 573-8780;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to

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

15. 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;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all

conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-107

ORDINANCE NO. _____

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.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-107, commonly known as 1220 Troup Avenue, Kansas City, Kansas, legally described as:

Lot 1, Heathwood Youth & Family Community Center, A subdivision in Kansas City, Wyandotte County, KS, located at approximately 1220 Troup Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a daycare on the campus of the Boys and Girls Club.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Hours of operation shall be Monday through Friday, 7:30 AM to 6:00 PM;**
2. **Parking must be in designated areas to minimize potential traffic issues;**
3. **Applicant must be licensed by the State of Kansas and approved by the Wyandotte County Health Department;**

4. The business must follow all regulations and requirements set forth by the State of Kansas and Wyandotte County Health Department;
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. 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;
7. If approved, the applicant must file and maintain a current business occupation tax application with this office. The Business Licensing Division is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is businesslicense@wycokck.org (913) 573-8780;
8. 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;
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 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;
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; and,
14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-079

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-079, commonly known as 1921 Nebraska Avenue, Kansas City, Kansas, legally described as:

All of Lot 16, in Block 2, WESTHEIGHT MANOR, an addition now in and part of Kansas City, Wyandotte County, Kansas, located at approximately 1921 Nebraska Avenue.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for eight (8) mature ducks and ducklings not to exceed 40 at any one time.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. The following conditions from the previous approval of SP2021-052 shall remain in effect:
 - a. Per the conservation plan, up to 8 mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those 8 ducks;
 - b. Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest;
 - c. Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth;
 - d. Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks, it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to 8 ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard;
 - e. Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover, slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients;
 - f. Per the conservation plan, fencing the ducks out of areas allowing seed to grow will be necessary, subject to the following conditions
 - i. Fencing should be placed along the south part of the backyard to create a buffer and filter area along the property line. The area created should be three (3) to five (5) feet in width and seeded with grasses and plants tolerant to stand in wet conditions and handle high nutrient levels. Native grasses such as little blue stem, western wheat grass, and Indian grass can provide vital root systems to help infiltrate runoff. Forbs can be added to mix to provide more variety and berries;
 - ii. Fencing should also be added to the east side of the property with another three (3)-foot filter strip to help protect the soil and slow runoff. Cardboard was observed on this path when visited demonstrating the need for seeding and soil protection. The area could also be mulched if it is to be used as pathway only. Mulched path would still need to be about two (2) feet wide and regularly maintain to prevent it from becoming to compacted and no longer slow water movement; and,
 - iii. Most to the above can be completed by repurposing materials on the property;
2. The applicant shall not increase the amount of ducks on the property;

3. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
4. 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;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
7. 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;
8. 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;

9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
10. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
11. For five (5) years for eight (8) mature ducks and ducklings not to exceed 40 at any one time

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-012

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 290 South 10th Street, in Kansas City, Kansas, by changing the same from its present zoning of CP-O Planned Nonretail Business District to RP-5 Planned Apartment District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on April 28, 2023, by the owners of property to have the zoning of said property changed from its present zoning of CP-O Planned Nonretail Business District to RP-5 Planned Apartment District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Whittier Heights

All that part of the Northeast Quarter of Section 16, Township 11 South, Range 26 East, in the City of Kansas City, Wyandotte County, Kansas being more particularly described as follows: (the basis of bearing for the following description is Kansas State Plane, North Zone, NAD 83, and was prepared by Samuel J. DePriest, KS PLS 1351, on April 27, 2023) beginning at the intersection of the north right-of-way line of Gilmore Avenue and the west right-of-way line of Tenth Street, thence North 02 degrees 30 minutes 45 seconds West, with the west right-of-way line of Tenth Street, a distance of 201.00 feet; thence South 87 degrees 30 minutes 21 seconds West, and no longer with the west right-of-way line of Tenth Street, a distance of 431.28 feet (432 feet as shown on the recorded plat of BISHOP'S addition); thence South 02 degrees 30 minutes 45 seconds East, a distance of 201.00 feet to a point on the north right-of-

way line of Gilmore Avenue; thence North 87 degrees 30 minutes 21 seconds East, with the north right-of-way line of Gilmore Avenue, a distance of 431.28 feet to the point of beginning. The above-described tract contains 86,687 square feet, or 1.99 acres.

Rezoning Description

All that part of the Northeast Quarter of Section 16, Township 11 South, Range 26 East, in the City of Kansas City, Wyandotte County, Kansas being more particularly described as follows: (the basis of bearing for the following description is Kansas State Plane, North Zone, NAD 83, and was prepared by Samuel J. DePriest, KS PLS 1351, on April 27, 2023) beginning at the intersection of the north right-of-way line of Gilmore Avenue and the west right-of-way line of Tenth Street, thence North 02 degrees 30 minutes 45 seconds West, with the west right-of-way line of Tenth Street, a distance of 201.00 feet; thence South 87 degrees 30 minutes 21 seconds West, and no longer with the west right-of-way line of Tenth Street, a distance of 201.70 feet; thence South 02 degrees 26 minutes 15 seconds East, a distance of 201.00 feet to a point on the north right-of-way line of Gilmore Avenue; thence North 87 degrees 30 minutes 21 seconds East, with the north right-of-way line of Gilmore Avenue, a distance of 201.96 feet to the point of beginning. The above-described tract contains 40,567 square feet, or 0.93 acres, located at approximately 290 South 10th Street, Kansas City, Kansas,

be changed from its present zoning of CP-O Planned Nonretail Business District to RP-5 Planned Apartment District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-460, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-5 Planned Apartment District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2024.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-029

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4105 Gibbs Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on September 29, 2023, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

**9120, S31, T11, R25, ACRES 11.59, BEG 20FT E & 40FT S OF NW
COR NE1/4; E 803.48FT, S 627FT, W 806.9FT, N 627FT TO POB
CONTG 11.6AC M/L, located at approximately 4105 Gibbs Road,
Kansas City, Kansas,**

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2024.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: **Change of Zone Petition COZ2023-032 and Special Use Petition SP2023-112**

GENERAL INFORMATION

Applicant:
Ashly Meek

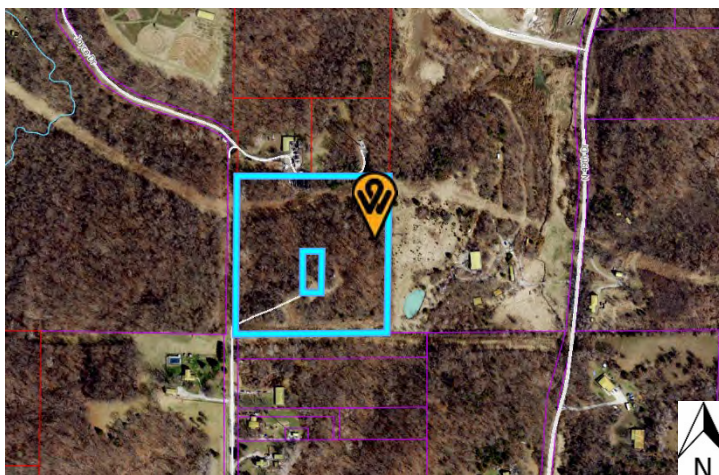
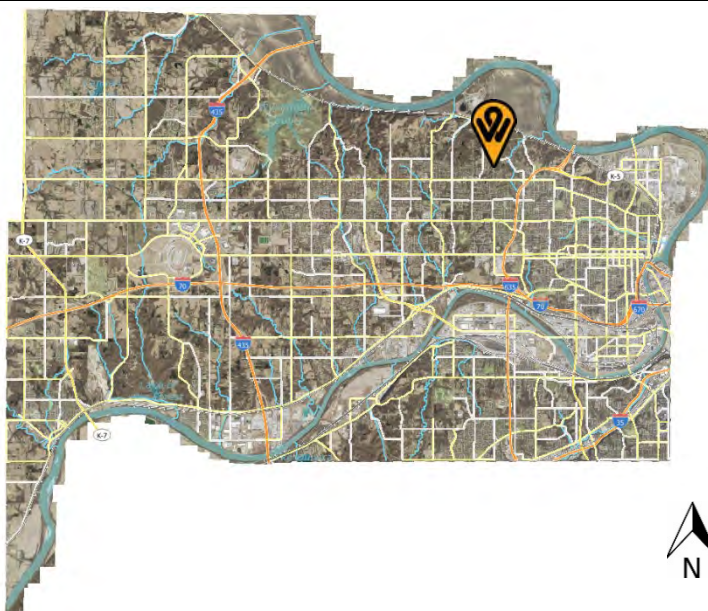
Status of Applicant:
Talking Tree Urban Farm LLC
869 Quindaro Boulevard
Kansas City, Kansas 66101

Requested Action:
Approval of a Special Use Permit
and Change of Zone.

Date of Application:
November 27, 2023

Purpose:
To approve a Special Use Permit
and Change of Zone from R-1
Single-Family District to A-G
Agriculture District to operate an
agro-tourism business.

Property Location:
3921 North 51st Street
Kansas City, Kansas 66104



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Vacant Land and Single-family residence South: Single-family residence East: Vacant Land West: Vacant Land
Total Tract Size:	9.92 Acres
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Rural-Density Residential, which allows for agriculture, ranches and large lot residential development.
Major Street Plan:	The goDotte Mobility Plan designates North 51 st Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-452(e) requires two (2) off-street parking spaces for each single-family dwelling. There is not planned to be a residence on the subject property.
Advertisement:	<u>The Wyandotte Echo</u> – December 14, 2023 Letters to Property Owners – December 15, 2023, January 11, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	The applicant has provided letters of support. There were five (5) people who appeared in support at the February 12, 2024, City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ashly Meek, is requesting a Special Use Permit and a Change of Zone from R-1 Single-Family District to A-G Agriculture District to operate an agro-tourism business, which will include a food truck, educational retreats, a mobile market, tree nursery and small campground at 3921 North 51st Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been two (2) Notices of Violation since the current property owner has owned the property.
 - a. 2023 – ABT23-1128 – Abatement – Weeds and Grass
 - b. 2023 – ABT23-1129 - Abatement – Weeds

Outstanding or Related Permits and Cases:

1. There are currently no additional outstanding or related permits.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Quindaro Bluffs Statistical Neighborhood, the Neighbors Helping Neighbors Group and the Leavenworth Road Association (LRA) group. The neighborhood consists primarily of large lot single-family homes and vacant/undeveloped parcels.

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

The zoning and uses are set out above. The proposed use is expected to be compatible as it is agricultural in nature, however, given the proposed uses on the property, there is concern that traffic may become a concern if not managed properly.

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

The subject property is over 9 acres, which is almost twice the minimum lot size required by Section 27-452(a) for agricultural zoning. The subject property's size makes it appropriate for the agricultural uses from which the property is currently restricted. Staff, however, do have concerns about the suitability of the property to be used for larger-scale agro-tourism activities as access to the site is limited, however, if kept to a manageable number of visitors, however, this should not be an issue.

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

The property has been vacant since demolition of the residences on the property between 1997 and 2001 and 2014 respectively.

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

Utilizing undeveloped or vacant lots of land as urban farms or urban gardens are reasonably necessary for neighborhoods that are in food deserts—areas where people have limited access to a variety of healthy and affordable food—and for the promotion of sustainable and local food cultivation in any neighborhood. The addition of 10 acres of farmland, however, could permanently injure the visual quality and marketability of nearby properties if not managed properly. The applicant shall work with the Conservation District to develop a Conservation Plan that ensures that the property and uses will not permanently injure the appropriate use, visual quality, or marketability of the nearby properties.

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

The proposed use will increase traffic to the subject property. Depending on the number of people coming to the site or the size of the groups coming to the property, there is a possibility that the increase in traffic could exceed the capacity of North 51st Street. Given the size of the subject property on-site parking must be installed and made available to employees, volunteers, and visitors. The applicant will need to pave/repave the driveway apron from the property line to North 51st Street with a UG Standard apron, as well as the driveway and turnaround areas on the property, which can be done with pavers.

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

Special Use Permits are not addressed in the City-Wide Comprehensive Plan. The City-Wide Comprehensive Plan designates the subject property as Rural-Density Residential, which allows for agriculture, ranches and large lot residential development. The proposed use for agricultural conforms to the Comprehensive

Plan, however, uses such as the commercial kitchen, overnight camping, or other pseudo-commercial uses may conflict with the Comprehensive Plan designation.

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

The expansion of a community farm will likely enhance the environment by maintaining permeable, vegetative surfaces and producing local foods. There are potential harms to the environment, including extensive production of monoculture, waste produced from a commercial kitchen, use of pesticides/herbicides and potential animal waste. The applicant has stated that these practices will not be utilized and any waste will be composted and reused in some fashion. Additionally, the Conservation District will work with the applicant to develop a Conservation Plan, which would help mitigate any impacts.

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

a. *Water service*

Water Service is provided by BPU.

b. *Sanitary sewer service*

There is no sanitary sewer service. The applicant will utilize a septic tank.

c. *Storm water control*

Storm water control is provided by the UG, with a pipeline to the southwest of the property.

d. *Police*

Police service is provided by Midtown Patrol, District #223.

e. *Fire*

Fire service is provided by Station #18, over one (1) mile away.

f. *Transit*

There is no direct transit service to the subject property.

g. *Schools*

Public Education is provided by Welborn Elementary School, Gloria Willis Middle School and F.L Schlagle High School under Kansas City, Kansas USD 500.

h. Streets

See item #6 above.

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

The Change of Zone and Special Use Permit will allow the property to be utilized as an agro-tourism attraction, which seeks to provide education and food on site. The success of the educational farm can have indirect positive economic impacts on the community by providing access to fresh and local produce, as well as teaching gardening skills and resources to the community.

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

With alterations to the site plan, the proposed use is capable of meeting applicable ordinance requirements.

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

There are a variety of benefits to an urban farm/educational farm, including access to fresh and local food, productive uses of otherwise vacant, underdeveloped or otherwise underutilized properties, and the proliferation of gardening skills throughout the community. These benefits outweigh any hardships imposed on the individual landowner or landowners.

13. Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.

Noise and dust are common issues with this type of use. Noise in particular may be an issue with the potential for on-site camping and a commercial kitchen, however, if managed properly and as long as quiet hours are adhered to, this should not be a major issue. Dust and vibration may be issues depending on the types of vehicles entering, exiting and moving throughout the property.

14. Whether the proposed use will pollute the air, land or water.

The proposed use, particularly the commercial kitchen and campground could pollute the land and water, however, if the use is managed properly, this should not be an issue.

15. Whether the use would damage or destroy an irreplaceable natural resource.

The proposed use will not damage or destroy an irreplaceable natural resource as long as it follows recommendations by the Conservation District as it is

located within a built-out rural residential neighborhood and is being used as a farm.

16. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use while occurring on a 9-acre parcel, may result in the overcrowding of land if the property is not laid out and managed properly in regards to parking and any campgrounds on the property. Undue concentrations of population are not expected to be an issue with the proposed use.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Dust
Grading Plan
Noise
On-Site Camping
Parking
Proposed Uses on the Site
Public Infrastructure
Site Access
Site Plan
Site Visitors
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application **COZ2023-032** and Special Use Permit Application **SP2023-112 (for two (2) years)**, subject to:

- 1. The applicant shall improve the driveway apron from North 51st Street to the property line with a UG standard driveway apron. The remainder of the driveway and parking areas may be a combination of grass pavers and gravel;**

2. The applicant shall record a cross access easement for the enclave parcel within the subject property to ensure that the current or future owner is able to access that property;
3. The miscellaneous debris found on the property shall be cleaned up. This includes tires, barrels, and other waste not being utilized by the farm operation. Any waste or other materials shall be stored in an organized manner, preferably out of view from the public/visitors to the site;
4. The applicant shall ensure that any on-site camping complies with all applicable noise ordinances and quiet hours set by the Code of Ordinances;
5. No more than 30 guests may be brought on-site at a particular time as to reduce disturbance to any nearby properties;
6. The applicant or any other parties may not utilize the property for their permanent residence until a permanent residence is constructed;
7. If the applicant intends any Grading more than 50 cubic yards and unrelated to a building permit, they shall file a Special Use Permit for Grading and provide a Grading Plan to Planning Staff;
8. The applicant shall work with the Wyandotte County Conservation District to develop and maintain a Conservation Plan and Waste Management Plan for the property. Please reach out to Cheri Miller, Director of the Wyandotte County Conservation District at wyco.conservation@gmail.com to begin this process;
9. The applicant shall work with Harvey Fields of the Kansas City, Kansas Fire Department to ensure that access and any other fire department requirements are met;
10. If the applicant intends to utilize or vacate the any portion of the public right-of-way, they shall contact the Right-of-Way Manager Andrew Roddy at aroddy@wycokck.org or (913) 573-5310 as well as Ricky Ledgerwood at rlledgerwood@wycokck.org or (913) 573-5421 as well as Planning Staff to discuss a right-of-way permit or vacation of the right-of-way;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal

- Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
13. 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;
 14. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 15. 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;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 18. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
 19. 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;
 20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 21. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land

- parcel and 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;
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;
 23. 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;
 24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 25. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **SP2023-112** and **COZ2023-032** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Elevations/Renderings
Business Plan
Site Photos, Taken by Staff, Dated December 11, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Change of Zone	Approval	
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-032** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-032**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-112** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-112**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:05:54:

CHANGE OF ZONE APPLICATION COZ2023-032 – ASHLY MEEK - SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District to operate an agro-tourism business at 3921 North 51st Street.

SPECIAL USE PERMIT SP2023-112 – ASHLY MEEK – SYNOPSIS: Special Use Permit to operate an agro-tourism business at 3921 North 51st Street.

Detailed Outline of Requested Action: The applicant, Ashly Meek, is requesting a Special Use Permit and a Change of Zone from R-1 Single-Family District to A-G Agriculture District to operate an agro-tourism business, which will include a food truck, educational retreats, a mobile market, tree nursery and small campground at 3921 North 51st Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;

3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Ashley Meek, applicant, 869 Quindaro Boulevard, Kansas City, Kansas 66101
- Robert Karl, 3169 North 67th Street, Kansas City, Kansas
- Christine Williams, 8319 Independence Avenue, Kansas City, Missouri
- Patrick Garrison, 276 South Mill Street, Kansas City, Kansas
- Olivia Moore, 5029 Haskell Avenue, Kansas City, Kansas 66104
- Corrine Shaw, 1026 Mill, Kansas City, Kansas

The Planning Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:23:17: Planning Director Hand stated that this is a Change of Zone from R-1 to A-G and a Special Use Permit for the campground. The property is in PlanKCK area. There is another agro-tourism business adjacent to this property. Staff received letters in support and no letters in opposition. There are some Notices of Violation that have been or will be addressed by this proposed project. Staff recommends approval of the Change of Zone application and the Special Use Permit (for two (2) years) subject to the conditions in the staff report.

Motion starts at 2:24:55:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application**

COZ2023-032:

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	No
Ernst	Aye
Jones	Aye
Miller	Not Present

Mohler Aye
Motion to recommend **APPROVAL** Passed: 7 to 1
Subject to:

1. The applicant shall improve the driveway apron from North 51st Street to the property line with a UG standard driveway apron. The remainder of the driveway and parking areas may be a combination of grass pavers and gravel;
2. The applicant shall record a cross access easement for the enclave parcel within the subject property to ensure that the current or future owner is able to access that property;
3. The miscellaneous debris found on the property shall be cleaned up. This includes tires, barrels, and other waste not being utilized by the farm operation. Any waste or other materials shall be stored in an organized manner, preferably out of view from the public/visitors to the site;
4. The applicant shall ensure that any on-site camping complies with all applicable noise ordinances and quiet hours set by the Code of Ordinances;
5. No more than 30 guests may be brought on-site at a particular time as to reduce disturbance to any nearby properties;
6. The applicant or any other parties may not utilize the property for their permanent residence until a permanent residence is constructed;
7. If the applicant intends any Grading more than 50 cubic yards and unrelated to a building permit, they shall file a Special Use Permit for Grading and provide a Grading Plan to Planning Staff;
8. The applicant shall work with the Wyandotte County Conservation District to develop and maintain a Conservation Plan and Waste Management Plan for the property. Please reach out to Cheri Miller, Director of the Wyandotte County Conservation District at wyco.conservation@gmail.com to begin this process;
9. The applicant shall work with Harvey Fields of the Kansas City, Kansas Fire Department to ensure that access and any other fire department requirements are met;
10. If the applicant intends to utilize or vacate the any portion of the public right-of-way, they shall contact the Right-of-Way Manager Andrew Roddy at aroddy@wycokck.org or (913) 573-5310 as well as Ricky Ledgerwood at rlledgerwood@wycokck.org or (913) 573-5421 as well as Planning Staff to discuss a right-of-way permit or vacation of the right-of-way;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as

- described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
13. 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;
 14. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 15. 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;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 18. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
 19. 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;
 20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively

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

21. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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;
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;
23. 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;
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
25. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year

will result in automatic termination of this Special Use Permit.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2023-112 for two (2) years:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	No
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

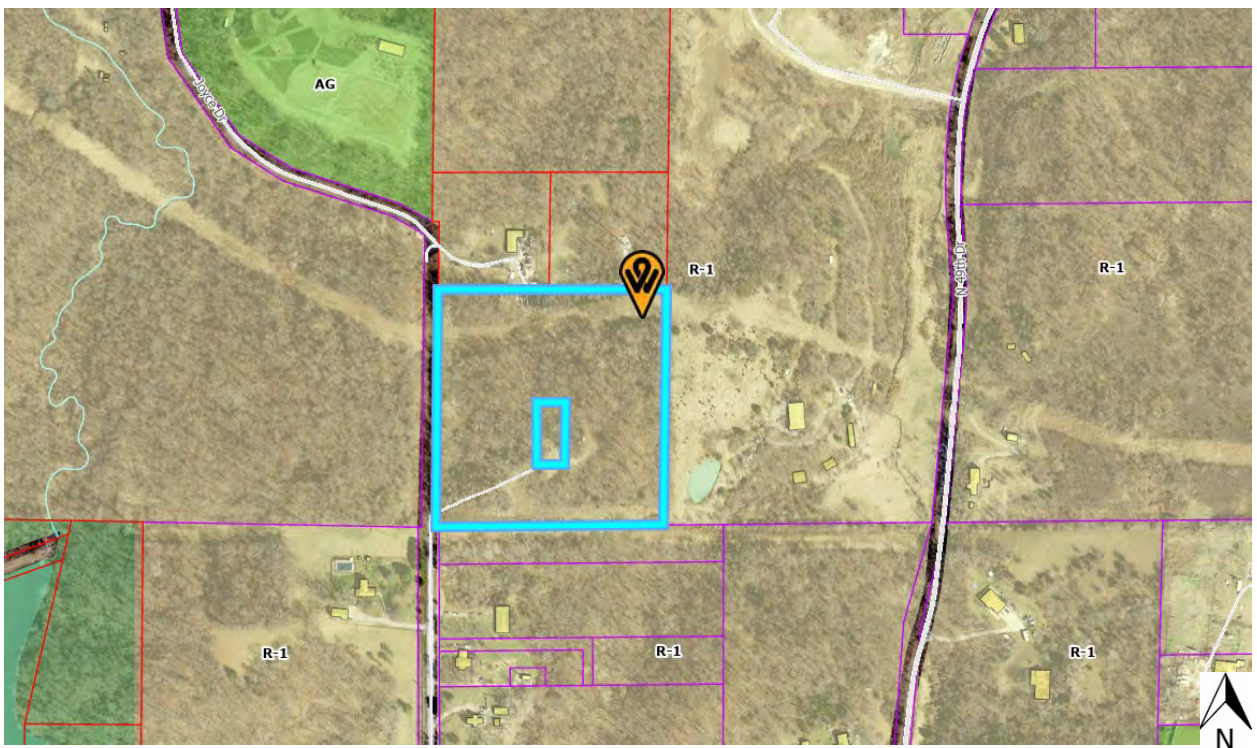
Motion to recommend **APPROVAL** Passed: 7 to 1
Subject to the above conditions

ATTACHMENTS

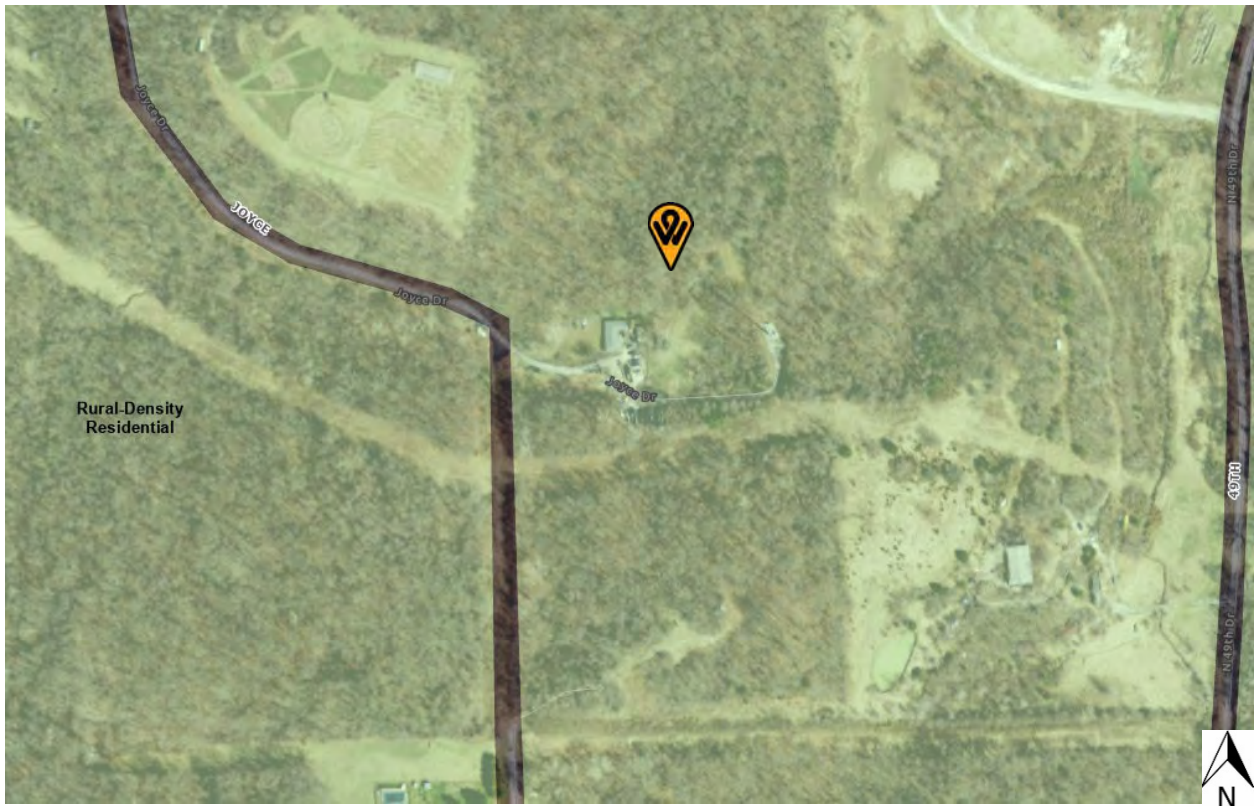
AERIAL IMAGERY



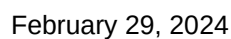
ZONING MAP



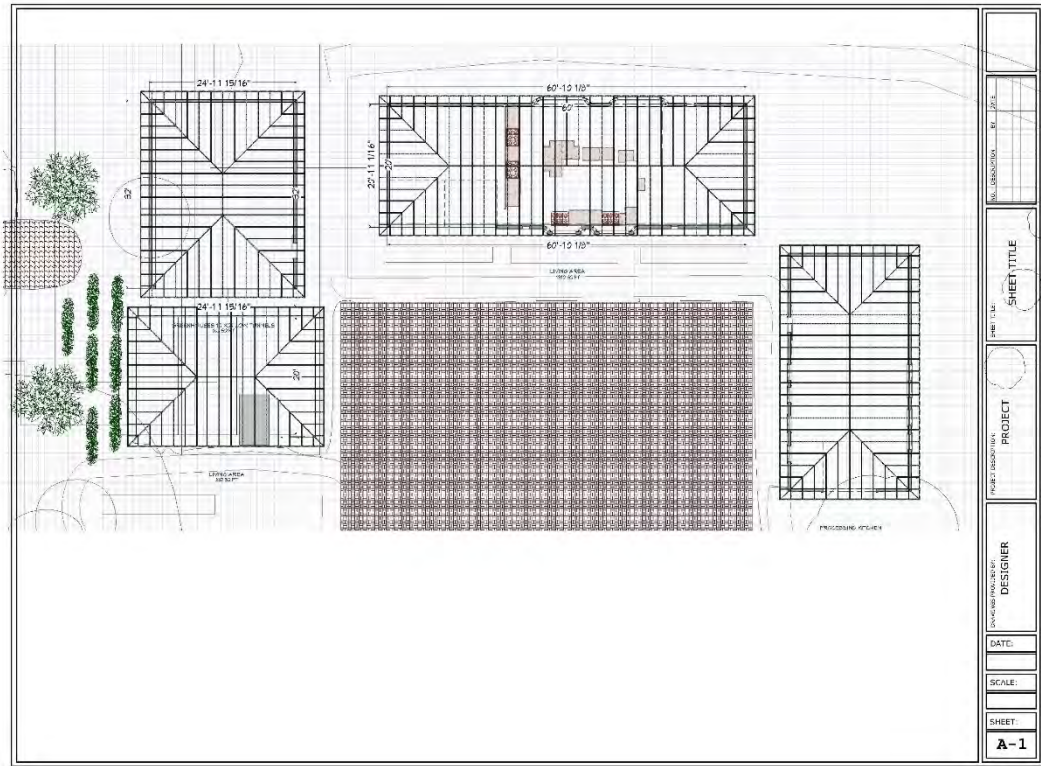
LAND USE MAP



COZ2023-032 and SP2023-112



ELEVATIONS/RENDERINGS





BUSINESS PLAN

Ashly Meek (Talking Tree Urban Farm LLC)
869 Quindaro Blvd.
Kansas City, KS. 66101
talkingtreeurbanfarm@gmail.com
913-263-4218
11/24/23

Planning & Zoning Unified Government

Dear Unified Government,

I am thrilled to present the comprehensive plan for the development and growth of Talking Tree Urban Farm's agroforestry production and sustainability education campground. Enclosed is a detailed blueprint outlining our vision, initiatives, and milestones designed to establish a dynamic and inclusive destination specializing in Agroforestry and Food Forest Management, committed to sustainability, education, and community engagement with fellow farmers, citizens and organizations.

Our plan focuses on fostering a unique experience where guests in particular students and farmers immerse themselves in nature, learn about agroforestry farming, utilize certified kitchens and contribute to the development of sustainable practices while engaging in hands-on educational activities. The phased approach begins with infrastructure development, including greenhouses for the nursery, processing spaces, and water management systems.

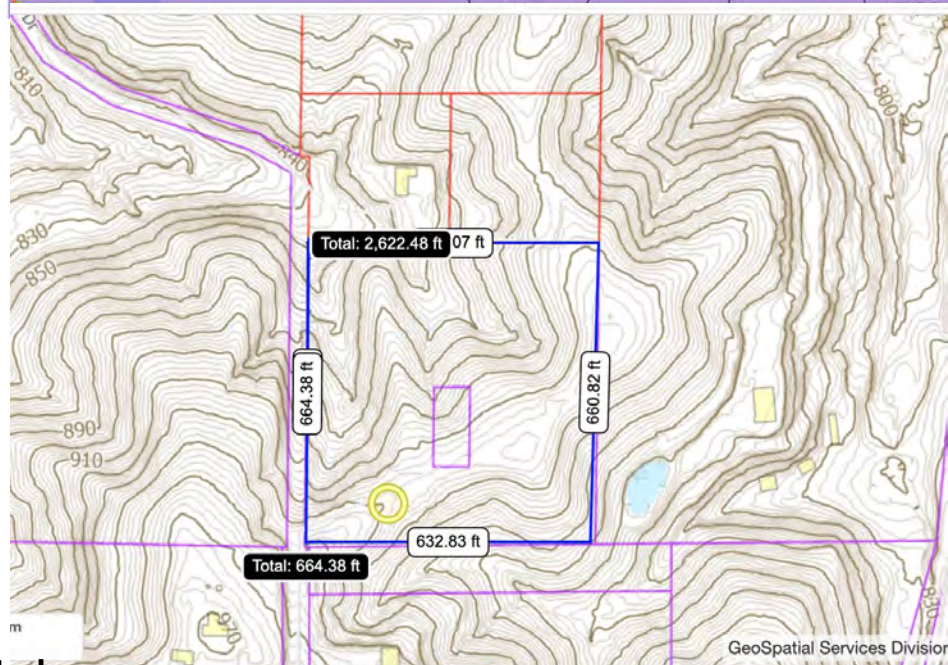
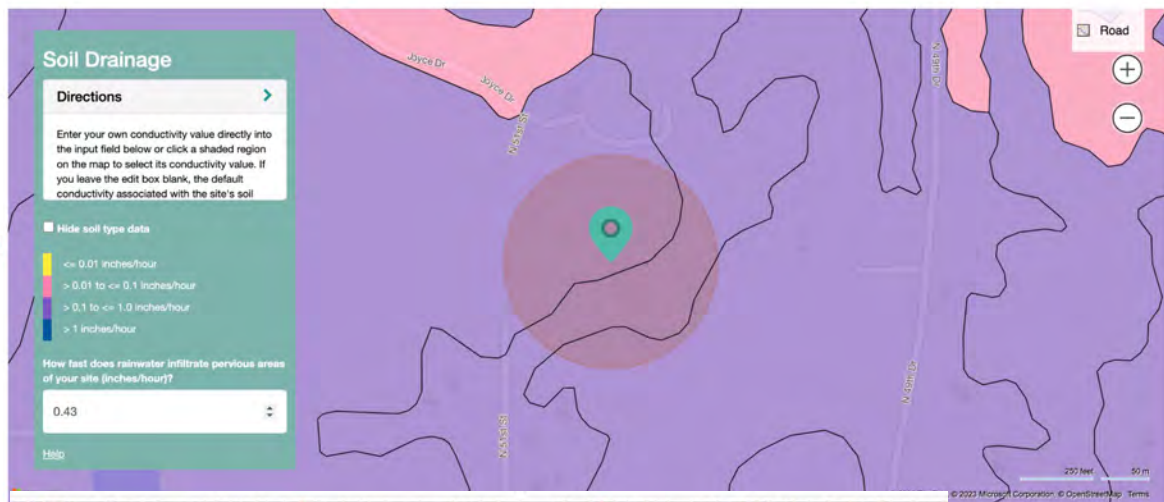
Further stages involve managing the established food forest and integration of diverse plant species. Additionally, accommodation for farm assistants, agricultural professionals, and students will be provided through the use of the campground. Talking Tree will cultivate collaborations with fellow farmers, local organizations, educational institutions, and government while also maintaining farm operations to sell at local farmers' markets, from our food truck and wholesale.

Thank you for considering our vision for Talking Tree Urban Farm Food Forest & educational accommodations. We are excited about the opportunity to create a positive impact in Wyandotte County and welcome any further discussions or collaborations to bring this vision to fruition.

Warm regards,

Ashly Meek
Owner/Operator
Talking Tree Urban Farm





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Executive Summary:

Talking Tree Urban Farm & Sustainability Education Center is an innovative, eco-friendly agroforestry production focused on providing immersive sustainability education experiences for farmers, students, and WYCO citizens. Located in a serene natural setting, our farm aims to offer a unique blend of outdoor recreation, agricultural educational, and eco-conscious living practices to promote environmental stewardship. Our mission is to inspire and empower visitors to adopt sustainable measures. Improve their farming operations, and utilize our produce, and kitchens for economic growth in wyandotte county.

Talking Tree Urban Farm stands as a resource for native plant production and a beacon of sustainability, education, and community engagement in the heart of Wyandotte County. Our commitment to regenerative agriculture, environmental stewardship, and fostering a deeper connection between individuals and nature drives our mission to welcome the community onto our farm.

Ashly Meek: Experience & Credentials

Ashly Meek, with over five years of invaluable experience in farm management, brings a wealth of expertise and dedication to Talking Tree Urban Farm. Having served for three years on the KCK Farmers Market Board of Directors, including a term as Co-Chair, Ashly demonstrated exceptional leadership in promoting local agriculture and community engagement.

As a former **Farm to Institution Educator and Farm Manager at Splitlog Farm for KC Healthy Kids and CHWC**, Ashly played a pivotal role in providing healthy, organic fresh food to residents of Wyandotte County predating and during the pandemic. Notably, her work extended beyond food provision, creating educational platforms and volunteer opportunities that empowered the community and promoted sustainable farming.

Ashly's commitment to agricultural education and local ag is further evidenced by her involvement as a former member of the Young Farmers Coalition Leadership Team. Her 15+ years residing in Wyandotte County have deepened her understanding of the community's needs and strengthened her dedication to promoting sustainable agriculture and healthy living.

Educationally, Ashly holds a Bachelor's degree in Organizational Communications from Park University, equipping her with effective communication skills essential for community outreach, education, and advocacy in the realm of sustainable agriculture styles through experiential learning and community engagement.

1. Company Description:

Talking Tree Urban Farm will be situated at 3921 Nth. 51st Street, encompassing [9.75 Acres] of pristine forest that will be utilized for propagating trees, managing a food forest and processing value added goods. Additionally Talking Tree aims to share its knowledge and expertise with farmers, students and eco-tourist. Talking Tree operations will include a produce processing food truck for on farm activities and deliveries throughout KC. The farm will provide agricultural and sustainability education to farmers and growers. Additionally farmers can rent the certified kitchen space to process goods. To help ease the strain of production and long days in the classroom we would like to provide accommodations to our guests. Initially we would like to put up all season tents, if the city allows we will event add a cabin or two for enhance accommodations.

2. Market Analysis:

Target Audience: Farmers, Artisans, consumers, schools, eco-tourists, environmental enthusiasts, and corporate groups seeking agricultural education, use of certified kitchen and eco-friendly experiences.

KCK currently only has two certified kitchens in the area, furthermore hands on education resources for farmers to navigate farm loans, permits and licensing and zoning changes is little to none. Our experiences, classes and certified kitchen will serve as stepping stone for future and current farmers and strengthen our local food systems.

3. Products and Services:

At Talking Tree we believe that diversity is the key to a flavorful, nutritious, and robust life. Which is why we offer something for everyone even the pollinators! I main focus in growing operations is on fruits, berries, herbs, and flowers. We convert most of our fruit and vegetables into preserves. Additionally we will offer a unique seasonal and fresh menu through our food truck with most of our good sourced from our farm, forest, and fellow farmers. Take a look a few example below of our previous growing seasons.







Accommodations & Greenhouses:

- Food Forest Management, Native & Perennial Tree Nursery: ALL WYCO RESIDENTS will receive a LOCAL ONLY DISCOUNT on native trees, herbs, and flowers.
- Agroforestry Farming Education: We will host seasoned and beginning farmers on the land to teach about conservation, sustainable farming operations and agroforestry.

- Forage & Feast Tours: We will host (reserved) foraging tours for groups and individuals with a focus on sustainable foraging and cooking with wild ingredients. We will also have a You-Pick berry and orchard as well as an accessible ADA compliant you pick experience.
- Travelin Tree's Food & Market Truck: We will take our goods on the road to special/private and major events in the metro. Our homebase will be the KCK Farmers Market.
- Sustainability Retreats: We would like to build a few cabins and provide tent camping. This will be a by reservation limited access resource to locals and farmers and will include a wide range of classes for hands on activities during your stay. These accommodations will also serve traveling farming assistants (Woofing Community)
- Preserves & Preservation: We will of course continue producing preserves and farm/forest to table meals. We will also offer canning and cooking classes.
- Native Plant, Rain Garden & Landscape Design: We offer native plants and Landscaping Design & education: The UG has a cost share program for rain water management: The Cost-Share Program helps cover the cost of materials and/or labor to install approved stormwater treatment facilities:
Rain gardens, native plant swales/buffers, cisterns, and permeable pavement (driveways/patios) 50% match up to \$1,000
Rain barrels (maximum of 2 per household) 50% match up to \$75 each
Native trees (maximum of 2 per household) 50% match up to \$75 each

8. SCOUTS REVIVAL: Some kids and now adults were lucky enough to learn how to camp or survive in the woods. Start a fire or identify poison ivy, edible foods or set up a tent. We want to offer Scouts for all classes. It's never too late to fall in love with nature and we want to help!

4. Marketing and Sales Strategy:

- Online Presence: Establish a user-friendly website showcasing offerings, online booking, and educational resources.
- Partnerships: Collaborate with schools, environmental organizations, and travel agencies for promotional activities and educational programs.
- Mobile Vending
- Wholesale

5. Operational Plan:

- **Staffing:** Hire knowledgeable guides, educators, hospitality, and maintenance staff committed to sustainability.
- **Infrastructure:** Develop eco-friendly infrastructure utilizing renewable energy, waste management systems, and sustainable construction materials.

- **Safety and Regulations:** Ensure compliance with local regulations, safety standards, and environmental preservation laws.

6. Financial Plan:

USDA FARM OWNERSHIP & OPERATIONS LOAN: already obtained.

Revenue Streams: Additional USDA Grants & Agricultural Funding in the works. Produce & Nursery Sales, Landscape Design, Accommodation fees, workshop charges, Tree Nursery and Value Added Goods, tours, and partnerships with sponsors.

Cost Structure: Initial investment in infrastructure, operational expenses, staff salaries, marketing, and ongoing maintenance costs.

7. Sustainability Impact:

- **Environmental Commitments:** Reduce carbon footprint, promote biodiversity, practice waste reduction, and support local conservation efforts.
- **Community Engagement:** Engage with the local community, offering educational programs and volunteering opportunities to foster sustainability awareness.

8. Future Growth Plans:

- **Expansion:** Evaluate opportunities for expanding offerings, adding more educational modules, and potentially opening new locations.
- **Research and Development:** Invest in research for innovative sustainability practices and educational methodologies.

Conclusion:

Talking Tree Urban Farm & Sustainability Center is positioned to become a flagship destination for agroforestry education and eco-tourism while also delivering quality produce and value added goods to neighbors and wholesalers. By providing enriching experiences and fostering a deeper understanding of environmental issues, we aim to contribute to a more conscious and sustainable world and help farmers/growers thrive in our urban core.

This business plan serves as a blueprint to guide the establishment and growth of Talking Tree Urban Farm, reflecting its commitment to sustainability, education, and community engagement. We believe in sustainable intentional growth, creativity, nature preservation and sharing with one another. We hope the Unified Government will not only see our value but support us in our endeavors to a healthier, cleaner, more vibrant WyCO world.

Secluded Accommodations: a fusion of "glamorous camping," offers a comfortable, clean, no-hassle outdoor experience while maintaining seclusion and immersion in nature. It combines the convenience and comfort of glamping accommodations with the raw beauty and tranquility of the remote setting. These accommodation will serve as a resting place for fellow farmers, staff and students. Here's an example of the tents.

Commercial Grade 4 Season Canvas Tents on Platform with heat and compost toilet/ bathroom adjacent. These structures are equipped with comfortable bedding, furniture, solar lights, wifi, and heat in the winter.



Immersive Experience: While providing no-hassle shelter, guests partake in an immersive nature exploring experience and sustainability educational workshops. Furthermore, Farmers utilizing our certified kitchens will have a place to rest after long days in the kitchen or classes.

What is Sustainability education?

Sustainability education encompasses a wide range of topics and can be delivered through various methods.

Workshops and Seminars: Organizing workshops and seminars focused on topics like renewable energy, waste reduction, sustainable agriculture, water conservation, or climate change. These sessions can be conducted by experts, environmentalists, or educators to provide in-depth knowledge and practical tips.

Hands-on Activities: Engaging participants in hands-on activities such as composting workshops, organic gardening sessions, or DIY projects using recycled materials. These activities allow individuals to actively participate and learn practical skills related to sustainability.

Nature Walks and Eco-Tours: Guided nature walks, eco-tours, or field trips to explore local ecosystems, wildlife, and biodiversity. These experiences help participants understand the interconnectedness of nature and human impact on the environment.

Interactive Exhibits and Displays: Setting up interactive exhibits or displays showcasing sustainable practices, alternative energy sources, eco-friendly technologies, and innovative solutions for environmental challenges. These exhibits can be both educational and inspiring.

Curriculum Integration: Integrating sustainability topics into school or university curricula across various subjects. This approach ensures that students learn about environmental issues, sustainable development, and responsible citizenship from an early age.

Community Outreach Programs: Conducting community outreach programs that involve local residents in sustainability initiatives such as KCEEN, tree planting campaigns, recycling programs, or educational events in neighborhoods or public spaces.

Corporate Training and Sustainability Initiatives: Offering sustainability training programs for businesses and organizations to promote eco-friendly practices in the workplace. This can include energy efficiency, waste reduction, and green procurement strategies.

Partnerships and Collaborations: Collaborating with environmental NGOs, governmental bodies, educational institutions, and local communities to create comprehensive sustainability education programs that address local needs and concerns. Furthermore, we want to use our experience gaining funding, property and constructing a food forest operation as a tool to help other farmers save money, time and energy as they expand operations.

Experiential Learning Programs: Implementing experiential learning programs, such as sustainability-themed camps or retreats, where participants engage in practical activities, discussions, and reflection exercises focused on sustainable living.

Talking Tree Urban Farm Daily Operations

1. Native Plant and Food Forest Nursery:

Establishing a native plant and food forest nursery involves cultivating and selling indigenous plants, trees, shrubs, and seeds that are well-suited to the local ecosystem. This nursery could specialize in promoting biodiversity, conservation, and sustainable landscaping by offering native species that support local wildlife and require minimal maintenance.

2. Certified Kitchen Rental Space:

Providing a certified kitchen rental space allows local farmers, food artisans, and small-scale producers to access commercial-grade facilities for food processing, canning, preserving, and creating value-added products. This space can comply with health and safety standards and help support local food businesses.

3. Post Harvest Food Processing Station & Mobile Market:

Offering a post-harvest food processing station enables farmers and growers to process and package their produce after harvest. Services might include washing, sorting, cutting, and packaging fruits and vegetables to extend shelf life and enhance marketability.

4. Onsite Greenhouses:

Maintaining onsite greenhouses can serve various purposes, such as year-round cultivation of produce, propagation of native plants, educational tours showcasing sustainable growing techniques, and providing fresh produce for the campground's kitchen or local markets.

5. Food Forest Design Planning:

Offering food forest design services involves creating sustainable, regenerative landscapes based on permaculture principles. This service includes planning and designing food forests, which are biodiverse ecosystems mimicking natural forests, and providing a variety of edible, medicinal, and beneficial plants.

6. Foraging Tours:

Conducting foraging tours allows participants to learn about edible wild plants, sustainable harvesting practices, and the importance of biodiversity. Guided tours through natural landscapes provide hands-on experiences in identifying, harvesting, and safely using wild plants for food or medicinal purposes.

These business operations are complemented by the sustainability education campground which will diversify offerings, increase eco-tourism, promote local food systems, support environmental conservation, and provide opportunities for hands-on learning and community engagement.

Current Partnerships in Wyandotte County

KCK Farmers Market: A local market providing fresh produce and products from regional farmers and vendors. Partnering with them could involve collaboration on educational workshops, events, or the promotion of sustainable practices.

Groundworks NRG: An organization dedicated to community gardening, environmental education, and sustainability initiatives. Partnering with them could involve joint projects, workshops, or educational outreach programs.

KC Farm School: This institution focuses on agricultural education, offering programs and resources for aspiring farmers. Collaborating with them could involve workshops, training sessions, or educational exchanges.

Wyandotte County Farmers Market Coalition: A coalition aiming to support local farmers and improve access to fresh, healthy food in the community. Partnering with them could involve joint advocacy efforts, events, or initiatives to promote sustainable agriculture.

Young Farmers Coalition: An organization supporting and advocating for young farmers. Partnering with them might involve mentorship programs, workshops, or events aimed at engaging and empowering the next generation of farmers.

K-State Extension Office: Kansas State University's extension office often provides educational resources, workshops, and expertise in agriculture, horticulture, and sustainability.

Partnering with them could involve collaborative educational events, research initiatives, or training programs.

Please note that the landscape of partnerships and organizations may evolve over time, and new entities might emerge or existing ones might change their focus or operations.

The Kansas Permaculture Institute (KPI) is a non-profit organization dedicated to promoting permaculture principles, sustainable living, and regenerative agriculture practices. Partnering with KPI can be highly beneficial for a sustainability education campground. Here's how such a partnership might look:

Potential Future Partnerships

Sustainable Agriculture Research & Education (SARE): Partnering with SARE can offer access to resources, grants, and expertise in sustainable agriculture. This collaboration might involve joint workshops, funding opportunities for sustainable projects, and access to research-based information for educating visitors about sustainable farming practices.

Wyandotte Conservation District: Collaborating with the Wyandotte Conservation District can provide access to conservation resources, expertise, and programs. This partnership could involve conservation workshops, land management discussions, or projects aimed at promoting biodiversity and land stewardship within the campground.

Local Farmers: Partnering with local farmers can foster a connection between the campground and the local agricultural community. Collaboration might involve sourcing fresh produce for the campground's kitchen, organizing farm tours, or hosting farmer's markets to support local growers.

K-12 Schools and Early Education Centers: Partnering with schools and early education centers can provide opportunities for field trips, outdoor learning experiences, and sustainability-focused educational programs tailored to different age groups. These collaborations can support environmental education initiatives and introduce younger generations to sustainability concepts.

New Roots for Refugees: Partnering with New Roots, an organization supporting refugee farmers, could involve mentorship programs, joint workshops on sustainable farming practices, or providing a platform for refugee farmers to sell their produce at the campground.

Growing Growers: Collaborating with Growing Growers might involve internship programs, workshops, or mentorship opportunities for aspiring farmers interested in sustainable agriculture practices. This partnership can facilitate knowledge exchange and skill development in sustainable farming.

Cultivate KC: Partnering with Cultivate KC can provide access to resources, networks, and expertise in urban agriculture and food systems. Collaborating with them might involve

educational events, workshops, or initiatives promoting community gardens and local food access.

Establishing partnerships with these organizations presents opportunities for mutual learning, resource sharing, and community engagement. These collaborations can enrich the sustainability education campground's programs, broaden its reach, and contribute positively to the local community's understanding and practice of sustainable living and agriculture.

Talking Tree Urban Farm Capacity Development Plan

Stage 1: Infrastructure Establishment 2023-2024

Installation of Greenhouses: The initial stage involves setting up on-site greenhouses to facilitate year-round cultivation and propagation of plants. These greenhouses can vary in size and design, serving multiple purposes such as seed starting, plant propagation, and growing seasonal produce. They will provide a controlled environment for cultivating plants, allowing the campground to grow its own organic produce and serve as educational spaces for visitors to learn about sustainable agriculture.

Accessory Storage Buildings: Construction of accessory buildings, such as storage facilities, workshops, or educational spaces. These buildings will house equipment, tools, educational materials, and spaces for workshops or meetings related to sustainability education and agricultural operations.

Water Catchment System: Implementing a water catchment system involves installing rainwater harvesting infrastructure to collect and store rainwater from rooftops or other surfaces. This collected water can be used for irrigation in greenhouses, landscaping, and other non-potable water needs, reducing reliance on traditional water sources and promoting sustainability.

Utilities: Establishing basic utility systems, including electricity, plumbing, and heating/cooling, is crucial during this phase. These utilities will support the functionality of the greenhouses, accessory buildings, and overall operations of the campground. Where feasible, incorporating renewable energy sources such as solar panels or wind turbines can align with sustainability goals.

Regulatory Compliance: Ensuring compliance with local building codes, environmental regulations, and permits during the installation of infrastructure is a vital aspect of this stage. Working closely with local authorities and obtaining necessary approvals is essential for successful and lawful development.

This initial stage focuses on laying the foundational infrastructure necessary for the campground's sustainable operations, educational programs, and agricultural initiatives. Once Stage 1 is completed, it sets the groundwork for subsequent phases, enabling the Farm & campground to advance toward its goal of offering immersive sustainability education experiences.

Stage 2: Food Forest Establishment and Campground Infrastructure Development 2024-Spring 2025

Interplanting Food Forest on South-facing Hill: This phase involves establishing a food forest on a designated south-facing hill within the campground. The food forest will follow permaculture principles, incorporating diverse layers of trees, shrubs, perennial plants, and ground covers. Plantings will be carefully planned to mimic natural ecosystems, maximizing biodiversity, and providing a sustainable source of edible plants, herbs, fruits, and nuts. Educational signage and guided tours will be developed to educate visitors about the food forest's design and ecological significance.

Installation of 4 Tent Locations: During this stage, the campground will introduce four tent locations in strategic areas.

Processing and Harvesting Crops: With the infrastructure in place from Stage 1, this stage will focus on the processing and harvesting of crops cultivated in the established greenhouses and surrounding agricultural areas. Facilities for post-harvest processing and storage will be set up to handle harvested produce effectively. Workshops and demonstrations on food preservation techniques, such as canning, drying, and fermenting, will be conducted to educate visitors on value-added food processing methods and reducing food waste.

Community Engagement and Workshops: Educational workshops, events, and volunteer opportunities related to food forest establishment, glamping, and sustainable agriculture will be offered to engage the local community and campground visitors. These activities will provide hands-on learning experiences and foster a deeper understanding of sustainable living practices.

Stage 2 focuses on enhancing the agricultural aspects of the campground, introducing additional accommodations, and furthering sustainability education initiatives. It aims to create a harmonious environment where guests can experience sustainable practices while enjoying nature-focused amenities

Stage 3: Expansion and Continued Outreach (Spring 2025 - Fall 2025)

Expand Parking Facilities: As the campground grows in popularity and capacity, expanding the parking facilities becomes essential to accommodate more visitors. This stage involves expanding the parking area to accommodate additional vehicles, ensuring convenient and safe parking options for guests while maintaining a minimal environmental footprint.

Expand Sewer/Septic/Composting System: Will address sewage capacity as traffic increases. The first design element includes an application with the health department for temporary and/or compost toilets in 2024.

Add 4 More Tent Camping Locations: Continuing the expansion of accommodations, four additional tent camping locations will be introduced in picturesque and strategically chosen

areas within the campground. These tent camping sites will provide affordable and eco-friendly lodging options for visitors seeking a more traditional camping experience while immersing themselves in the campground's sustainability initiatives and educational programs.

Outreach to Future Partnerships: The campground will continue its outreach efforts to establish partnerships with like-minded organizations, educational institutions, and local community groups. These ongoing partnerships could involve collaborations on sustainability workshops, joint research projects, educational exchanges, or promotional initiatives aimed at advancing sustainability education and community engagement.

Visitor Engagement and Educational Programming: The expanded capacity and facilities will enable the campground to host a more extensive array of educational programs, workshops, and events. These activities will cater to diverse audiences, including schools, universities, local community groups, and visitors, offering a wide range of sustainability-focused activities such as guided tours, hands-on workshops, and interactive learning experiences.

Sustainable Practices Implementation: Emphasis will be placed on implementing and showcasing advanced sustainable practices within the campground's operations. These may include further integration of renewable energy sources, improved waste management systems, water conservation measures, and ongoing enhancements to the food forest and agricultural areas, aligning with the campground's commitment to sustainability.

Stage 3 represents a pivotal phase in the campground's growth, focusing on expanding both infrastructure and outreach efforts. By increasing accommodation options, outreach initiatives, and visitor engagement opportunities, the campground aims to become a hub for sustainability education, fostering partnerships and creating a lasting impact within the local community and beyond.

Traffic & Neighborhood Impact

Talking Tree Urban Farm will operate on Reservation-Based Visitation protocols

At Talking Tree Urban Farm, all visitations are exclusively by reservation. This intentional approach to visitation serves multiple purposes, ensuring a controlled flow of guests, minimizing environmental impact, and providing an intimate experience for visitors to immerse themselves fully in the sustainability education offered. Key considerations include:

Reservation-Only Visits: Guests are required to make reservations in advance for any visitation to the farm. This approach allows the management to control the number of visitors, ensuring that the activities and educational sessions are conducted in a manner that aligns with the farm's ecosystem and sustainability ethos.

Intimate and Educational Experience: The reservation-only policy enables Talking Tree Urban Farm to maintain an intimate setting for its activities and educational programs. This intimate setting fosters an environment where guests can fully engage in their learning

experience, interact closely with instructors, and immerse themselves in topics such as sustainability, food preservation, agroforestry, and farm business planning.

Environmental Impact Mitigation: By managing visitations through reservations, the farm can control the number of guests at any given time. This proactive approach helps minimize the impact on the ecosystem, ensuring that the farm's delicate balance is preserved while educating guests on sustainable practices.

Customized and Engaging Activities: The reservation-based system allows Talking Tree Urban Farm to tailor activities and educational sessions to the number of guests present, providing a more personalized and engaging experience. It enables instructors to focus on individualized attention and hands-on learning, maximizing the educational impact for each visitor.

Promotion of Sustainability: This approach aligns with the farm's commitment to sustainability by managing resources efficiently, reducing waste, and promoting responsible visitation practices among guests.

Talking Tree Urban Farm aims to offer a unique, educational, and immersive experience that prioritizes both sustainability education and the preservation of the farm's ecosystem. It ensures that guests leave with a deeper understanding of sustainable practices while maintaining the farm's integrity and ecological balance.

Emergency Protocols: Fire Emergency Plan

At Talking Tree Urban Farm, the safety and well-being of our visitors, staff, and the environment are paramount. As part of our commitment to ensuring a safe environment, we have established comprehensive emergency protocols, including a Fire Emergency Plan. Key components of this plan are as follows:

EXPANDING DRIVEWAY TO 20-25 FT WIDE & adding Circle Drive to ACCOMMODATE TRAFFIC OR FIRE TRUCK - 2024

Fire Hydrant Location and Access: A fire hydrant is strategically located at the entrance of the farm, connected to a robust 40-inch water main. This hydrant serves as a primary firefighting resource and is easily accessible to emergency responders in the event of a fire emergency.

Fire Prevention Measures: Talking Tree Urban Farm implements rigorous fire prevention measures, including regular maintenance of the property, fire safety inspections, and adherence to local fire safety regulations. Additionally, fire prevention education and training will be provided to staff and visitors to mitigate potential fire hazards. The future expansion of the drive will include a turn around spot for large vehicles like fire trucks.

Emergency Response Procedures: In the event of a fire emergency, immediate steps will be taken to ensure the safety of individuals on-site. This includes alerting guests and staff, directing them to designated evacuation points, and contacting emergency services.

Collaboration with Local Authorities: Talking Tree Urban Farm maintains open communication and collaboration with local fire departments and emergency responders. Regular drills and coordination exercises are conducted to ensure effective response and coordination in case of a fire incident.

Continuous Improvement and Review: The Fire Emergency Plan undergoes regular reviews and updates to incorporate best practices and lessons learned. This ensures that protocols remain current and effective in addressing potential fire emergencies.

SITE PHOTOS, TAKEN BY STAFF, DATED DECEMBER 11, 2023





NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Ashly Meek, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ 2023-032 SP2023-112
2. That I conducted a neighborhood meeting on December 26th 2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Ashly Meek
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of December, 2023.

My commission expires 2 of 8, 2025.



Lori Braswell
Notary Public

Neighborhood Meeting Letter

COZ2023-032 change of zone
SP2023-112 special use permit

Date:12/15/23
COMMISSIONER MELISSA BYNUM
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101

You are invited to a Neighborhood Meeting!

I have filed an application with the Planning + Urban Design Department
#COZ2023-032.SP2023-112 , The purpose of this:

(please use all that applies)

- ☐ COZ2023-032 change of zone
- ☐ SP2023-112 special use permit

The purpose of this application is to establish my farm operation. Talking Tree Urban Farm will be an agroforestry production and sustainability education center. This production will focus on Agroforestry and Food Forest Management, Selling products at local farmers' markets, and our food truck. We will also provide business management classes, farming education, and a commercial kitchen to fellow farmers, citizens, and organizations. Additionally, we will provide accommodations for multi-day education events and rental of certified kitchens through the use of our small campground. This operation and application are for the 9.92-acre property located at 3921 Nth 51st, Kansas City KS. 66104

I am having a neighborhood meeting on December 26th 2023 at 2:30 p.m. via ZOOM and a post-meeting tour of the farm at 4PM. Scan the QR code below to join the meeting or RSVP for the tour.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting and sharing the vision of TALKING TREE URBAN FARM. For questions or if you cannot attend, please email me at talkingtreeurbanfarm@gmail.com.

Sincerely,

Ashly Meek
Owner- Talking Tree Urban Farm

NEIGHBORHOOD
ZOOM MEETING



SCAN TO JOIN
ZOOM MEETING
12/26/23 @ 2:30 PM

PROPERTY TOUR



SCAN TO RSVP
FOR 4PM TOUR
OF PROPERTY



TALKING TREE URBAN FARM-3921 Nth. 51st Street.
PHONE: 913-263-4218 EMAIL: talkingtreeurbanfarm@gmail.com
SITE: www.talkingtreeurbanfarm.com FB: [@talkingtreeurbanfarm](https://www.facebook.com/talkingtreeurbanfarm) IG: [@talkingtreeurbanfarm](https://www.instagram.com/talkingtreeurbanfarm)

MEETING MINUTES

Application Number

COZ2023-032 change of zone

SP2023-112 special use permit

Date and Location: 12/26/2013 @ 2:30PM VIA ZOOM

Meeting called to order at: VIRTUAL

Names of people in attendance: HERBERT FIELDS

Additionally, these Neighbors were not at the meeting but I have met with them and discussed plans:

Joan & Mike Meyers, Regina Compennolle and Rick Mareske, Kim Reed, Kassie- Frank Steins Wife, George Thompson

Introductions:

I held the neighborhood meeting via Zoom. Only one of my neighbors (HERBERT FIELDS) attended and we had already spoken earlier in the week. However, I've connected with a total of 6 neighboring property owners.

Pre- Neighborhood Meeting conversations:

Herbert Fields: In our first conversation via phone call, Herbert called to ask about our farm and plans. He was very interested in learning about funding and food forest production. He shared that the 40 acres next to our parcel was his father's and was his safe haven. The conversation evolved into the possibility of leasing or purchasing the land directly west of our property. He then had his lawyer and friend call the following day who stated they would like to work with us on our operation.

Joan Meyers: The first day I met Joan & Kim we exchanged numbers and took a walk of the property. She expressed how grateful she was that the property would finally be taken care of. She explained her constant battle with people dumping, cars being taken to the property and burned, and challenges with previous ownership and house being burned down. She has owned her house for 30 years and also has farm animals and we connected immediately. Yesterday 12/30- we spoke about trails and her need to keep them up and how she physically can not do it anymore. this is an additional opportunity to create longer nature trails and help neighbors maintain their forests.

Kim Reed: Her property is south of Joan. She was with Joan the first time we met and both neighbors were welcoming and hospitable to our new venture. We've exchanged numbers and plans to do neighborly things in the future.

George Thompson- owns property adjacent to Kim. Also met at the same time as Kim and Joan. Not much to say but nice neighbor and has no complaints/comments. It is a tight-knit corner and I am hopeful we will build strong community connections with our neighbors.

Cassie Stein- Cassie and I talked for an hour on Dec 29th about our plans. She is an aspiring hobby gardener and we share a lot of the same interests. Her only concern was traffic because she mentioned that people had come out of the woods east of her property and stolen from them. She warned us about this and we took note. She asked about traffic to and from the property. I explained that all visits to the property would be

by reservation and limited in number of visitors and no parking on 51st Street itself. I also explained that any visitors would be there to learn about agriculture. She understood and even shared her own gardening goals which I offered to help her with. We both agreed that peace is our goal and made plans to connect again soon.

Rick Mareske & Regina Campernolle: I have previously worked with Rick for local food and agricultural education/event collaborations when I managed the KC Food Circle for KC Healthy Kids. We are currently planning to bring our teams together for future collaborations with our neighboring farms. Regina reached out via Instagram and we have started a group chat with teams to plan.

Virtual Zoom Meeting- Herbert Fields Attended

In the Zoom meeting, I presented our history, experience, services & programming, site plan, and traffic projections.

Questions and answers (include the following):

- ☐ Herbert & Discussed his father's farming, the native plants, and deer on our connected property. He said multiple times that he loved our proposal and even quoted his late father "Where there's a will there's a way" when giving supportive feedback.
- ☐ Herbert is interested in future collaboration. He also shared info about his network in the wholesale industry that I could connect with.
- ☐ Herb ended the meeting with "Well you have my blessing and I would gladly write you a letter of support"

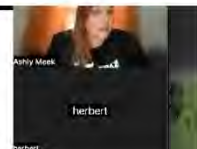
The meeting adjourned at: 2:30-4pm

Minutes taken by: Ashly Meek

About Talking Tree

Talking Tree Urban Farm LLC & Sustainability Education Center is an innovative, eco-friendly agroforestry production focused on providing immersive sustainability education resources for farmers, students, and WYCO citizens. Located in a serene natural setting, our farm aims to offer a unique blend of outdoor recreation, agricultural education, and eco-conscious living practices to promote environmental stewardship and help fellow business owners strengthen and expand production capacity. Our mission is to inspire and empower visitors to adopt sustainable measures. Improve their farming operations, and utilize our produce, and processing kitchens for economic growth in Wyandotte County.

Start in 2020 on Landbank lots at 9th & Quindaro, After various challenges began looking for a permanent home in 2023.



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LETTERS OF SUPPORT, PROVIDED BY THE APPLICANT

Timestamp	Email Address	Name	Address (We would like to mail you a Thank you letter)	Phone number	What is your occupation and/or organizations that you are affiliated with?	On scale from 1 to 5 what is your rating of the importance of supporting sustainability and our environment for our community?	Check all that you are interested in learning more about	TALK TO US! If you are interested in supporting TALKING TREE URBAN FARM, please attach a letter of support. Thank you so much for helping bring Talking Tree Urban Farm to life! We appreciate and love all of you! Stay tuned for next steps!	Upload your letter or photo of support, whichever feeds your heart - we will gladly take it!
1/14/2023 11:06:24	ian@bluroasters.com	Ian Davis	789			5	Native Plant, Rain Garden and Landscapes Design, Scouts Revival	As a Wyandotte county resident, Talking Tree Urban Farm would be a major asset to help promote and educate the public on the natural resources already existing in our area and make them more wonderful for the community. The classes they are offering will help anyone interested to be able to identify native plants and trees, can their own food and preserve our natural habitat.	
1/14/2023 11:12:58	byang53@gmail.com	Bee Yang	2291 N 68th Terrace		Student	5	Native Plant, Rain Garden and Landscapes Design		
1/14/2023 11:16:53	csamuel.cattley@cloud	Samuel Cattley	716 W. Wabash Omaha KS 68101	9132717471		5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design, Scouts Revival	I believe that urban farming is essential to the development of intercity nation, education and health in today's world and communities	
1/14/2023 12:01:54	gethnoxeon@gmail.com	Melessa Weinman	608 Lowell Ave KC KS 66101	8166169005	Artist/Hobby Trees	5	Agroecology Farming Education, Forage & Feast Tours, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design	Excited to see the 10 acres be used sustainably and geared toward education	
1/14/2023 12:35:26	raygcockett@gmail.com	Rayg Herrick	5311 Euclid Ave, Kansas City, MO 64130-5506, USA	8166526605	Chief	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design	Because it is exactly what the community needs	
1/14/2023 16:07:06	dansm@notmail.com	Daniel Felton	3926 Lower Denmark Road Young's Sliding WA 9330	0480 312 095	Commercial Inductrialist, Committee member Albany Farmer's Market	5	Agroecology Farming Education, Native Plant, Rain Garden and Landscapes Design	Support Talking Tree Urban Farm for an inspiring lesson in environmental education, determination and resilience. They are community and connection builders. They are visionaries and dream builders. This opens the door to learning how to master our environment and support it and ourselves. This is a lesson in resilience and determination. All of us, especially the children and youth need this knowledge as a base for building a loving relationship with nature and longevity. It's also and the same for us seasoned people too!	
1/14/2023 16:12:14	lgmorton@gmail.com	Reggie Morton	8609 Georgia Ave Kansas City, KS 66109	203-850-1005	Righteous Roots Garden, Wyco Master Gardener, KCNCM	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats		
1/14/2023 16:29:40	Edu2c2geth@gmail.com	Isidary regner	550 western aries st kansas mo 20071	380781-1045	farm owner/artist	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design	For the love of the native environment and educational resources	
1/14/2023 16:37:49	stareby@gmail.com	Sarah Greivy	2618 112 Sunrise Ave KCMO 64120	(913)205-7464	Bakersnatch artist at Bicknell Bakery	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design, Scouts Revival	Being in love with all the interesting things that are in our community is an incredible joy. I see so many people that could benefit from an operation like this. We all need to embrace urban farming before it's too late. I've worked on landscaping and various city planning projects and I've seen how it can make the world a better place. I need to learn more	
1/14/2023 18:03:46	tanaycondore@gmail.com	Tanaym Condore	8002 Barton Ave Raytown, MO 64138	4025409231	Timeless Voyages	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design	I'm very involved in my local community and regenerative farming. I am hoping to start my own family farm very soon. I love to support friends in their farming journeys!	
1/14/2023 19:17:00	mlmchris3@gmail.com	Taylor	530 Arn ave	8169201626	Claims Analyst	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design	Nature is important and I need to learn more	

Timestamp	Email Address	Name	Address (We would like to mail you a thank-you letter)	Phone number	What is your occupation, education, and environment that you are affiliated with?	On scale from 1 to 5 how important is education surrounding environment for our community?	Check all that you are interested in learning more about	TALK TO US! Why do you support TALKING TREE URBAN FARM? Write below or attach a support letter. We would like to hear from you. All of you! Stay tuned for next steps!	Upload your letter or statement of support if you have one. We will gladly take it!
11/14/2023 21:07:04	drew.higgins@gmail.com	Drew Higgins	1123 W 43rd St. KCMO, 64111	(913)85-2915	Owner	5	Native & Perennial Tree Nursery Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	Discovering nature and learning about all the plants and animals around us. It's especially beneficial to teaching and encouraging younger children so that they are able to begin making healthy eating habits. This would be a great asset for our local community for science and social studies curriculum field trips.	
11/14/2023 21:47:29	leahwinthley23@gmail.com	Shirley Leithrich	3405 Benares Court Washburn, MO 64424	9134999701 MO	Teacher in Baltimore	5	Agroecology Farming Education, Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	Talking Trees is imperative to the local community and beyond. With local garden and educational centers being closed all over the metro to make way for luxury housing, it's important to protect and continue this educational and vital program.	
11/15/2023 7:50:03	kenz.paine@gmail.com	Kenz Paine	15207 W 158th Ct Overland Park, KS 66202	9134941371	Indirect connection	5	Native & Perennial Tree Nursery, Plant Identification & Care, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	They bring unique education and experiences to our community that are valuable.	
11/15/2023 10:22:19	lindafroun@gmail.com	Linda Fry	1201 Wanda, Suite 200, KC mo, 64106		Perleghy	5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	because agriculture education is necessary and needed in this world!!! LOVE	
11/15/2023 11:09:55	waive2012@gmail.com	Devon Walker	4717 Rembrandt dr	9134243700		5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	We need to take our food back to a hyper local level, and to our culture and education from the ground up. Our communities. That's what this farm is all about.	
11/15/2023 11:59:45	bryan@cmushortcut.com	Bryan Almy	4720 Westward Dr Shawnee, KS 66218	9136025218	Business Owner	5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	Sustainability/Urban Renewal	
11/15/2023 15:03:20	stomah@bdcfms.com	Stomah Benton	97 Jensen Pl, KCMO 64109			5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	I believe supporting avenues to local food systems is important to sustainability. If not the most important thing. I think Talking Tree Urban Farm is great example of what can be achieved. They work on a small scale and they are able to provide a space for education and healthy foods.	
11/15/2023 20:28:48	alissamccord@gmail.com	Allison Cole	409 S 14th St	3194312515	an exyl engineer and a business owner	5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal		
11/15/2023 21:37:01	daniela171@vee.com	Daniela	409 S 14th St, W14th St KS	3199995641	Kansas state university	5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	Support sustainability	

Timestamp	Email Address	Name	Address (We would like to mail you a Thank you letter)	Phone number	How important is creating an education environment for our community?	Check all that you are interested in learning more about	TALK TO US! Why do you support TALKING TREE URBAN FARM? Please explain your support. This is so much for reading and listening. We will appreciate and love all of your Story Tuned for next steps!	Upload your letter or handwritten support. We will gladly take it!
11/16/2023 12:16:41	3835mulsarcs@gmail.com	Melanie Elvion	2355 S Bloke HCK 66103	816-332-8161	I held a position with the city and I was asked to create this same type of plan and I'm so happy to do so every day. I'm affiliated with Kansas City Heroes, Free Kidz, and I volunteer with the city.	Native & Perennial Tree Nursery, Agroforestry Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Scouts Festival	During my years with Urban Grown KC I was fortunate to expand my knowledge and understand the importance of community education. Talking Tree is vital to our community. Education is paramount, but having a living breathing classroom takes learning to the next level! This is an amazing opportunity for our community and I am proud to be a part of it. I hope that has the potential to thrive for our city and community.	10/26/2023 10:06:57
11/17/2023 16:38:50	indigoaccords@gmail.com	Indigo Accardi	1026 Midwest St. 2410 Harrison St. Apt 15 KCMO 64109	81692314005 8167839179	N/A	Native & Perennial Tree Nursery, Agroforestry Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Scouts Festival	Ashtley is a friend and wonderful person and the cause is incredibly vital for the community.	
11/17/2023 21:15:43	matthew.burke2@gmail.com	Tara and Robert Morris	2126 E. 82nd Ter. 816 301 2065	816 301 2065	Nursing KC VA	Native & Perennial Tree Nursery, Agroforestry Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Scouts Festival	This has been a true dream in the making. I too have been a part of the community and I am proud to be a part of it. I hope that has the potential to thrive for our city and community.	
11/20/2023 19:59:32	ranny.komme@gmail.com	Ranny Komme	9200 NW 79th Terrace, Westport, Lake MO 64152	913840860	Bank of Labor	Agroforestry Farming Education, Native & Perennial Tree Nursery, Agroforestry Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Scouts Festival	I believe in Ashby's Mission and her drive and commitment is admirable.	
11/21/2023 10:46:46	nicoleelax@gmail.com	Nicole Elax	5745 Wayne Ave KCMO 64110	8162742831	The Brick, Lead Cook	Native & Perennial Tree Nursery, Agroforestry Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Scouts Festival	I have attached a pdf file with a letter of support. My family owns a farm in Clay Center KS. It was my grandparents and it was passed down. I can't afford to buy my uncle but the land is so important to me. I know nothing about farming or maintaining a pasture house. My dad died in 2011 from a traffic vehicle accident. I was a single mom and I was struggling. The person who rents our farmland and pasture is going to help us get it under control. I've been trying to find places where I can educate myself on farming and I hope this would be a great place to get education.	10/26/2023 10:06:57
11/22/2023 18:26:56	gregorym.baxter@gmail.com	Gregorym Baxter	14410 W.118th Ter. Chester, KS 66802	786-630-1146	Senior Accountant	Native & Perennial Tree Nursery, Agroforestry Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Scouts Festival		



Department of Planning + Urban Design

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Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Special Use Petition SP2023-094

GENERAL INFORMATION

Applicant:
Fran Sutton

Status of Applicant:
Representative
Crosslines
736 Shawnee Avenue
Kansas City, Kansas 66105

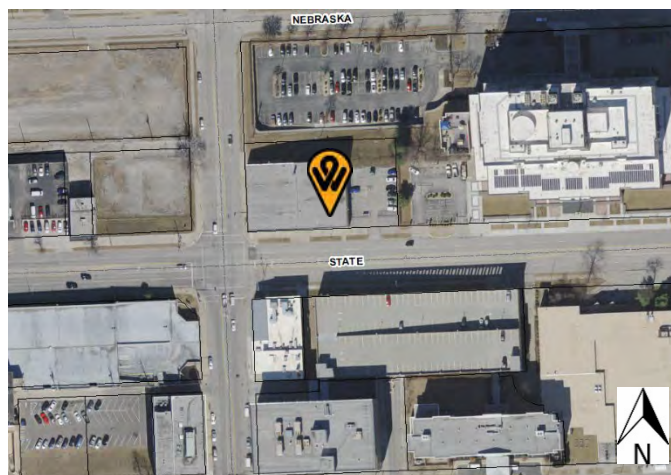
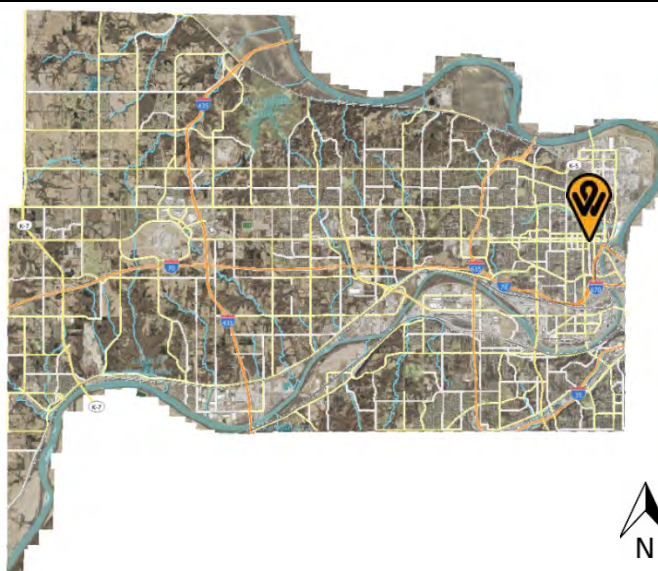
Requested Action:
Approval of a Special Use Permit.

Date of Application:
September 29, 2023

Purpose:
To approve a Special Use Permit to
operate a cold-weather shelter.

Property Location:
550 State Avenue
Kansas City, Kansas 66101

Commission Districts:
Commissioner At-Large, District #1:
Melissa Bynum
District #4 Commissioner:
Dr. Evelyn Hill



Existing Zoning:	C-D Central Business District
Adjacent Zoning:	North: C-D Central Business District South: C-D Central Business District East: C-D Central Business District West: C-D Central Business District
Adjacent Uses:	North: Post Office South: Reardon Center Parking East: Robert J. Dole Federal Courthouse West: Vacant Commercial Space
Total Tract Size:	0.68 Acre
Master Plan Designation:	The Downtown Area Plan designates this property as Civic Space, which allows uses dedicated to public buildings and sites that have local, state, and federal government functions or serve a public function.
Major Street Plan:	The goDotte Mobility Plan designates State Avenue as a Major Arterial and 6 th Street as a Minor Collector.
Parking Requirement:	Section 27-465(f)(1) states “Uses in this district need not provide off-street parking, except that residential occupancies shall provide not less than one (1) off-street parking space for each dwelling unit, and hotels shall provide one off-street parking space for each room. Such parking spaces shall be paved and shall be on the premises or off the premises within 200 feet of the main entrance to the building served. The property is not required to provide parking; however, it provides 14 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owner – October 20, 2023, November 7, 2023, December 6, 2023, and January 11, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Fran Sutton with Crosslines, is retroactively requesting a Special Use Permit to operate an emergency cold-weather shelter at 550 State Avenue when the low temperature is below 25 degrees.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood. The neighborhood is in the Central Business District of Downtown Kansas City, Kansas, and features a rich diversity of uses, including single-family and multi-family residences, a wide range of commercial uses, civic uses, institutional uses and large event spaces, including the adjacent Joe Reardon Convention Center. The property is located along State Avenue, which runs east into Downtown Kansas City, Missouri, and west towards Midtown and The Legends. The property is also located along 6th Street, which runs south into Strawberry Hill and north to Quindaro Boulevard.

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

The zoning and uses are set out above. The proposed use is for a cold-weather shelter operated by the Unified Government and Crosslines, which is a public good and public use. The proposed use will be compatible as long as it is managed properly.

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

The property is suitable for a diversity of uses, including commercial spaces, office spaces, or public spaces. The property is suitable to be utilized as a cold-weather shelter and should not affect nearby property as long as it is managed properly.

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

The property appears to have been vacant since 2014.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Downtown Area Plan. The Downtown Master Plan designates this property as Civic Space, which allows uses dedicated to public buildings and sites that have local, state, and federal government functions or serve a public function. The proposed use is for a cold-weather shelter, operated by the Unified Government and Crosslines, which is inherently a public function, therefore, conforming to the Downtown Area Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use will result in an increase of traffic, as it is utilizing a currently vacant structure. This increase, however, should not exceed the capacity of State Avenue, a Class A thoroughfare, or 6th Street, a Class C Thoroughfare.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is reasonably necessary for the convenience and welfare of the public, as it allows for the space to be used to shelter the city's unhoused residents during extreme weather events. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as long as it is managed properly.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise and illumination is a concern with this type of use, as this use would entail gathering a large group of people together and it operates in the evening and overnight hours. If managed properly, however, it should not create issues for nearby property, as most nearby property is closed for the evening. Vibration and dust are not expected to be issues.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use has the potential to pollute the air, land, or water, if waste is not dealt with appropriately, however, this is not expected to be an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy and irreplaceable natural resource, as it is located in an existing, built-out mixed-use business district.

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

The relative gain to public health, safety, and welfare is substantial. The cold weather shelter allows for the city's unhoused population to shelter in a safe place during an extreme weather event, such as temperatures below freezing. Additionally, this proposal also helps mitigate negative externalities that come with unhoused populations having to find alternative shelter. It can be argued that the proposed use is a benefit to nearby property owners, as it provides a safe, central location for the unhoused population to shelter, rather than the unhoused having to create alternate shelter, which may have additional negative impacts. Nonetheless, the impact and hardship on nearby property owners will be limited as long as the use is managed properly.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use could result in undue concentrations of people if occupancy limits are not met, or if there is a significant influx of population that need to utilize the shelter. There are also concerns with the overcrowding of land, as the subject property provides very little on-site parking. These issues can be managed if parking agreements are put into place and if occupancy limits of the building are met.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Occupancy Limits
Waste Management
Hours of Operation
Room and Board
On-Site Staff
Additional Services

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Special Use Permit Application **SP2023-094 for two (2) years**, 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 permit process accordingly;
2. All exterior lighting, whether mounted on a building or within a parking lot 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;
3. 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;
4. 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;
5. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the

- Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit; and,
6. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-094** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Floor Plan
Site Photos, Taken by Staff, Dated January 12, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-094** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-094**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:42:33:

SPECIAL USE PERMIT APPLICATION SP2023-094 – FRAN SUTTON WITH CROSSLINES - SYNOPSIS: Special Use Permit to operate an emergency cold weather shelter at 550 State Avenue. Detailed Outline of Requested Action: The applicant, Fran Sutton with Crosslines, is retroactively requesting a Special Use Permit to operate an emergency cold-weather shelter at 550 State Avenue when the low temperature is below 25 degrees.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Fran Sutton, applicant, Crosslines Outreach, 736 Shawnee, Kansas City, Kansas 66105
- Susila Jones, Executive Director of Crosslines Outreach, 736 Shawnee, Kansas City, Kansas 66105
- Mr. James Martin, volunteer for Crosslines Outreach

The Planning Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:48:57: Planning Director Hand stated that the request is for a retroactive Special Use Permit for a cold weather shelter which is effectively a group home. The property is located in the Downtown Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 2:49:30:

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2023-094 for two (2) years:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	No
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

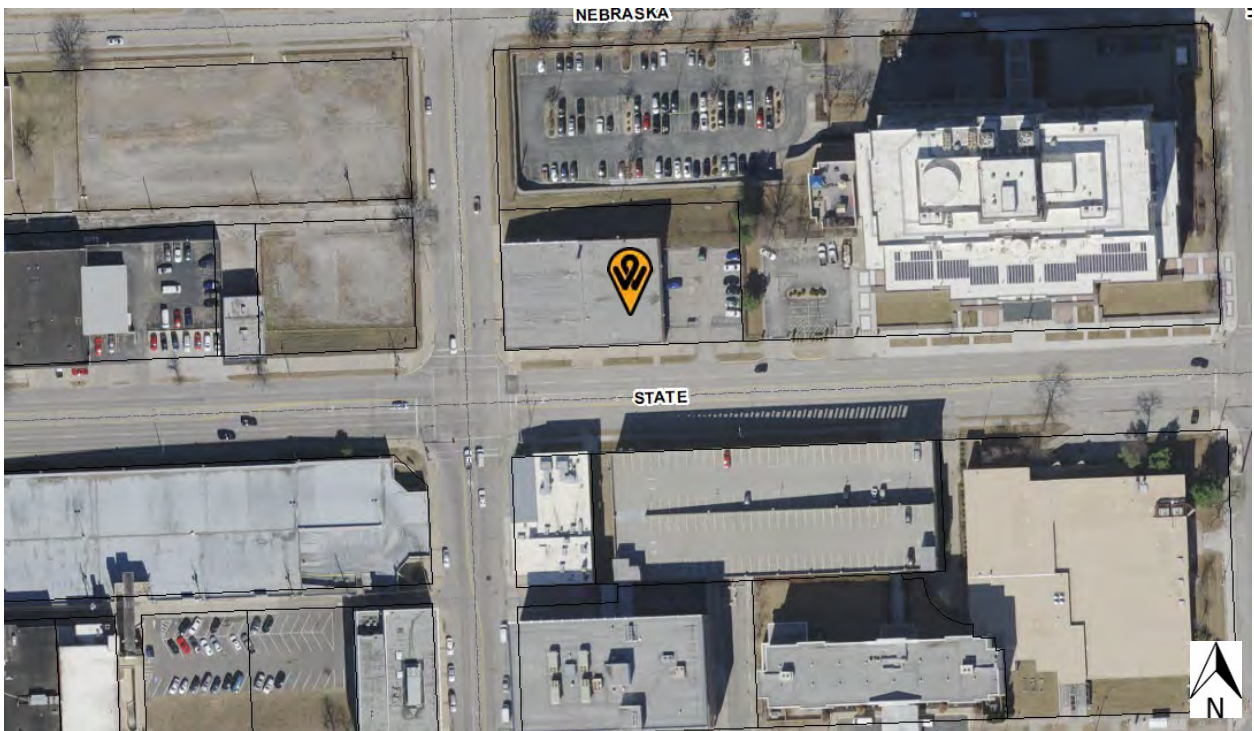
Motion to recommend **APPROVAL** Passed: 7 to 1
Subject to:

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 permit process accordingly;**

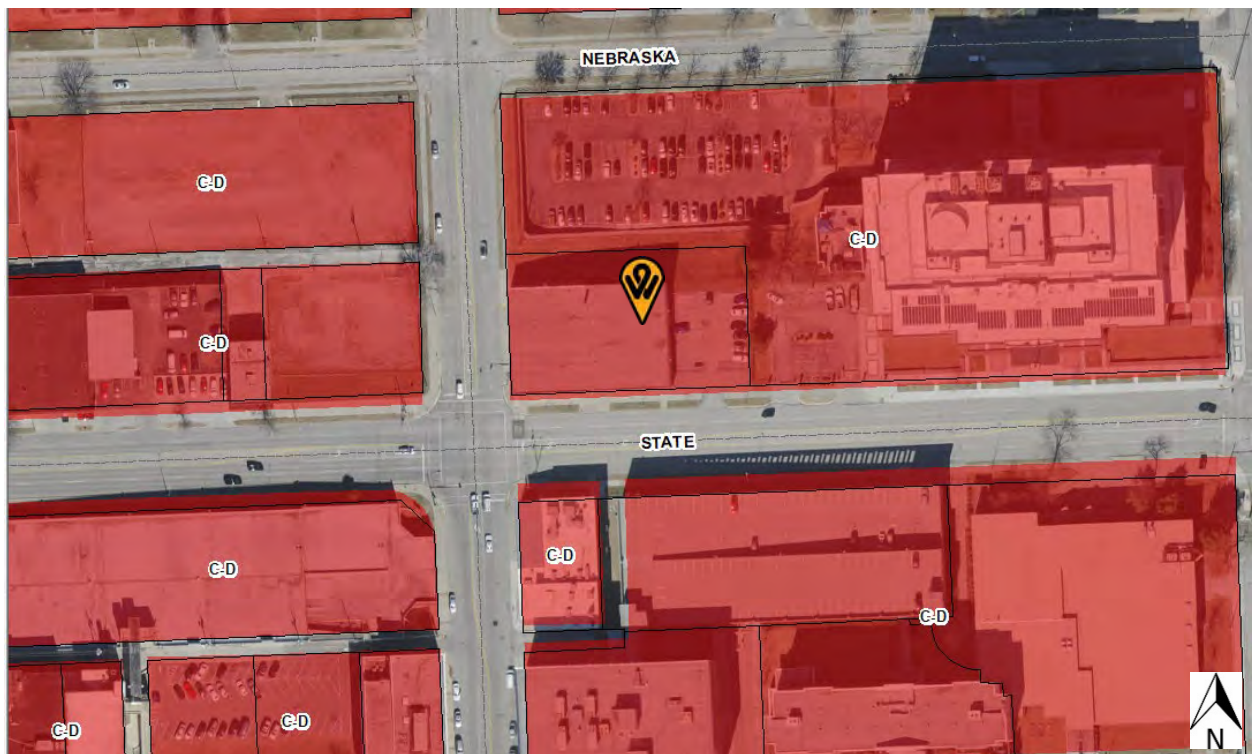
2. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
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4. The Special Use Permit 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;
5. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit; and,
6. 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.

ATTACHMENTS

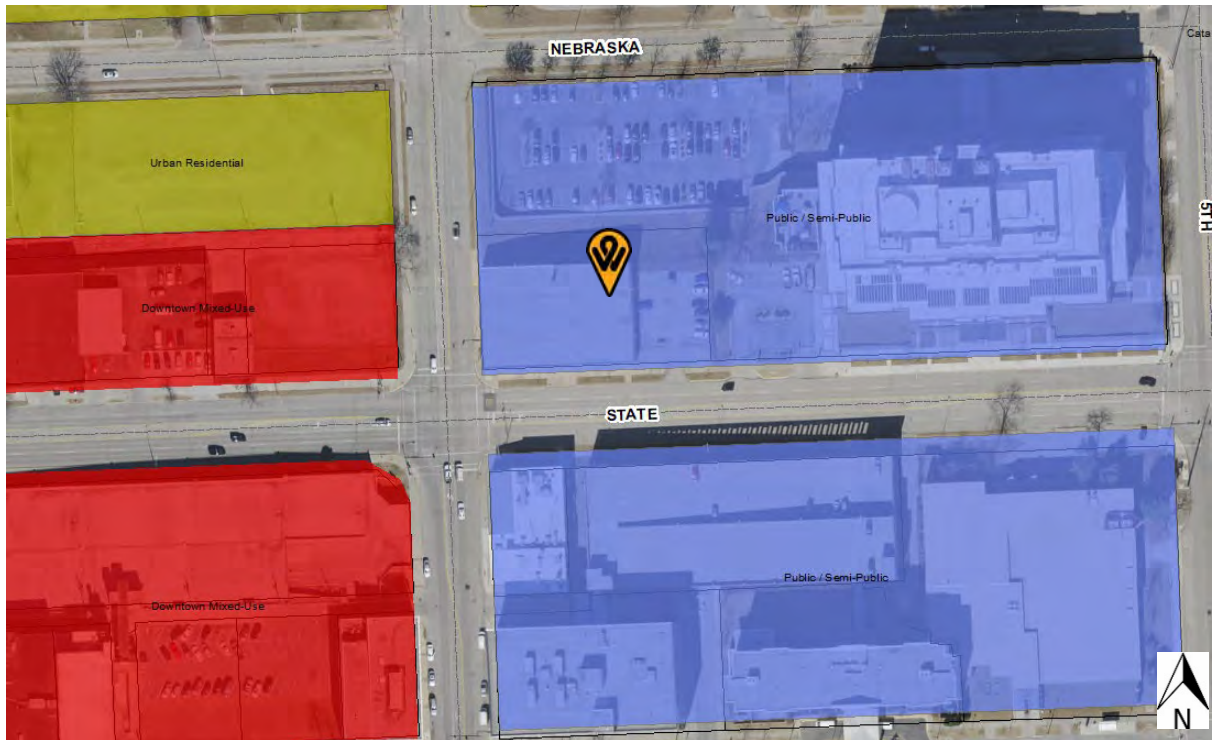
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MINUTES

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Fran Sutton, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP 2023-094
2. That I conducted a neighborhood meeting on 12-26-2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

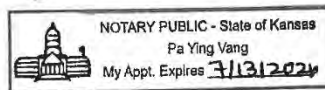
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of December, 2023 ^{PKV}

My commission expires 13th of July, 2024 ^{PKV}


Notary Public





550 State Ave. MINUTES:

Application Number SP2023-094

Date and Location: 12/26/2023, 550 State Ave, KCKs, 66101, 4:00pm

Meeting called to order at: 4:00pm, 12-26-2023

Names of people in attendance:

<u>Fran Sutton</u>	_____
<u>Rob Santel</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____

Introductions: Fran Sutton

Presentation by Cross-Lines Community Outreach: Rob Santel



Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

*	_____
*	_____
*	_____
*	_____
*	_____
*	_____
*	_____
*	_____
*	_____
*	_____
*	_____

Meeting adjourned at: 4:28 pm

Minutes taken by: Fran Sutton

736 Shawnee Ave.
Kansas City, KS 66105



913-281-3388
www.cross-lines.org

Date: 12/14/2023

Cross-Lines Community Outreach
KCK Cold Weather Shelter
550 State Ave, KCKs, 66101

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP2023-094. The purpose of this Special Use Permit is for an emergency cold weather shelter for community members experiencing homelessness that will operate only when the temperatures drop below 25 degrees between 6pm and 8am.

at the following address: 550 State Ave, KCKs, 66101

I/We am having a neighborhood meeting on December 26, 2023 at 4:00 pm at the following address: 550 State Ave, KCKs, 66101.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. This is the 2nd consecutive year to operate in this location without incident.

I look forward to seeing and meeting you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

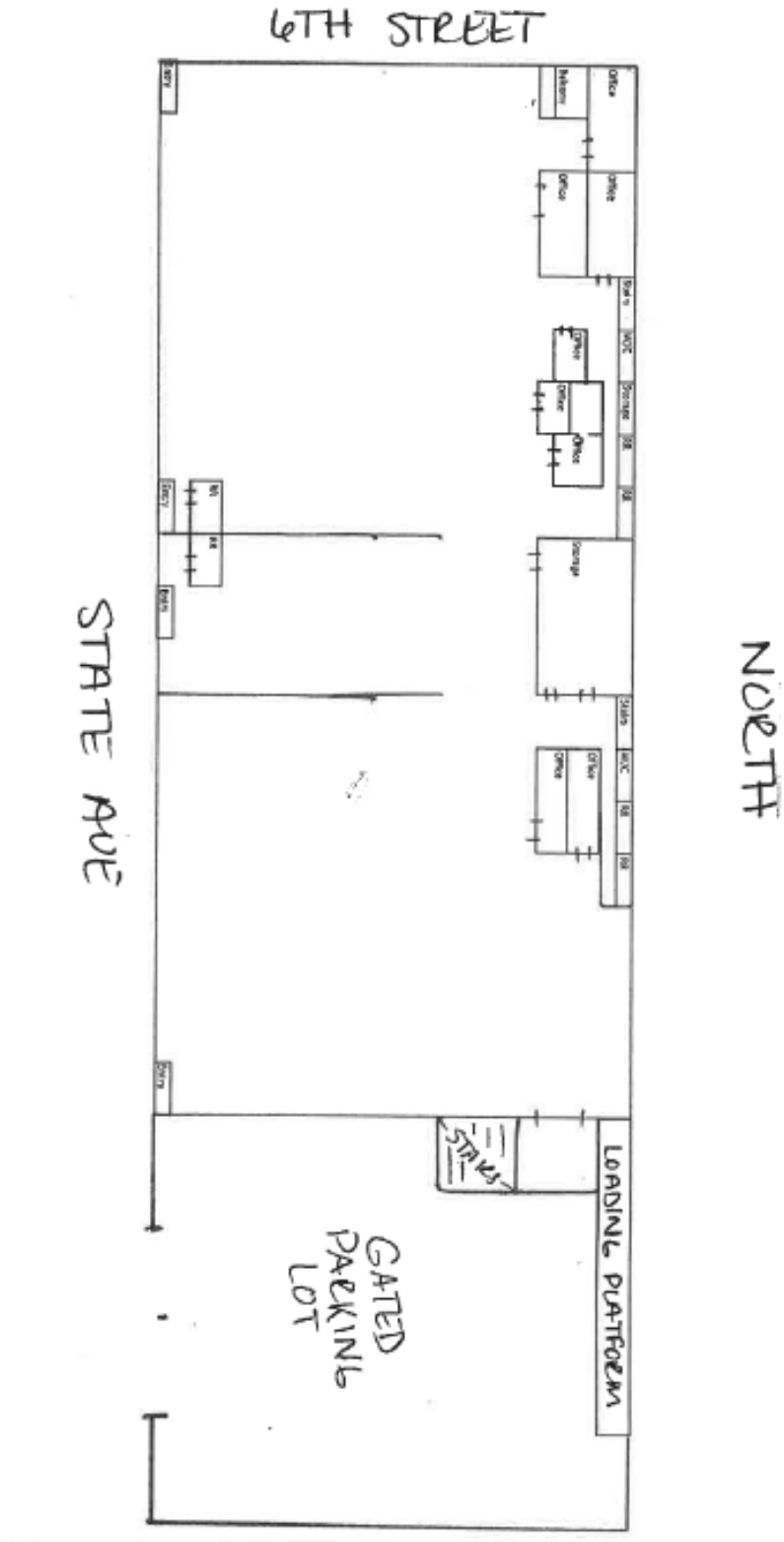
Sincerely,

A handwritten signature in blue ink that reads 'Fran'.

Fran Sutton, Project Coordinator
Pronouns: She, Her, Hers
Cross-Lines Community Outreach
736 Shawnee Avenue
Kansas City, KS 66105
Phone: (913) 485-1043
fran@fransutton.com

Cross-Lines provides people in the Kansas City area affected by poverty with services and opportunities that encourage self-confidence, meet the needs of today, and provide tools for future self-sufficiency.

FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED JANUARY 12, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: **Change of Zone Petition COZ2023-032 and Special Use Petition SP2023-112**

GENERAL INFORMATION

Applicant:
Ashly Meek

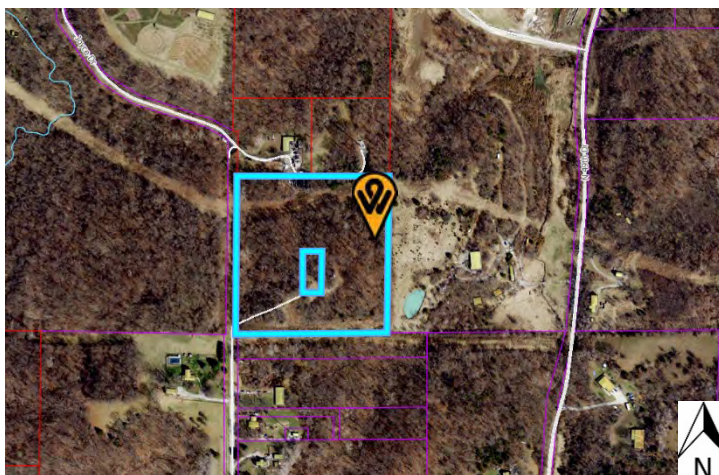
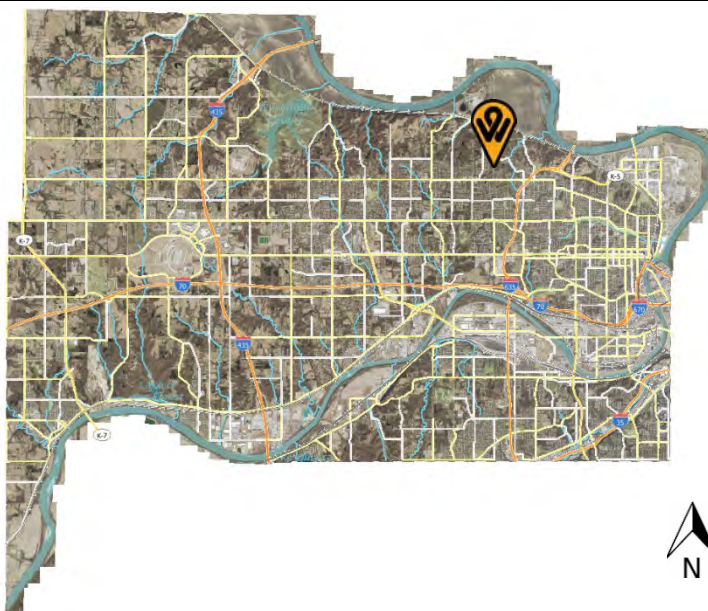
Status of Applicant:
Talking Tree Urban Farm LLC
869 Quindaro Boulevard
Kansas City, Kansas 66101

Requested Action:
Approval of a Special Use Permit
and Change of Zone.

Date of Application:
November 27, 2023

Purpose:
To approve a Special Use Permit
and Change of Zone from R-1
Single-Family District to A-G
Agriculture District to operate an
agro-tourism business.

Property Location:
3921 North 51st Street
Kansas City, Kansas 66104



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Vacant Land and Single-family residence South: Single-family residence East: Vacant Land West: Vacant Land
Total Tract Size:	9.92 Acres
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Rural-Density Residential, which allows for agriculture, ranches and large lot residential development.
Major Street Plan:	The goDotte Mobility Plan designates North 51 st Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-452(e) requires two (2) off-street parking spaces for each single-family dwelling. There is not planned to be a residence on the subject property.
Advertisement:	<u>The Wyandotte Echo</u> – December 14, 2023 Letters to Property Owners – December 15, 2023, January 11, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	The applicant has provided letters of support. There were five (5) people who appeared in support at the February 12, 2024, City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ashly Meek, is requesting a Special Use Permit and a Change of Zone from R-1 Single-Family District to A-G Agriculture District to operate an agro-tourism business, which will include a food truck, educational retreats, a mobile market, tree nursery and small campground at 3921 North 51st Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been two (2) Notices of Violation since the current property owner has owned the property.
 - a. 2023 – ABT23-1128 – Abatement – Weeds and Grass
 - b. 2023 – ABT23-1129 - Abatement – Weeds

Outstanding or Related Permits and Cases:

1. There are currently no additional outstanding or related permits.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Quindaro Bluffs Statistical Neighborhood, the Neighbors Helping Neighbors Group and the Leavenworth Road Association (LRA) group. The neighborhood consists primarily of large lot single-family homes and vacant/undeveloped parcels.

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

The zoning and uses are set out above. The proposed use is expected to be compatible as it is agricultural in nature, however, given the proposed uses on the property, there is concern that traffic may become a concern if not managed properly.

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

The subject property is over 9 acres, which is almost twice the minimum lot size required by Section 27-452(a) for agricultural zoning. The subject property's size makes it appropriate for the agricultural uses from which the property is currently restricted. Staff, however, do have concerns about the suitability of the property to be used for larger-scale agro-tourism activities as access to the site is limited, however, if kept to a manageable number of visitors, however, this should not be an issue.

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

The property has been vacant since demolition of the residences on the property between 1997 and 2001 and 2014 respectively.

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

Utilizing undeveloped or vacant lots of land as urban farms or urban gardens are reasonably necessary for neighborhoods that are in food deserts—areas where people have limited access to a variety of healthy and affordable food—and for the promotion of sustainable and local food cultivation in any neighborhood. The addition of 10 acres of farmland, however, could permanently injure the visual quality and marketability of nearby properties if not managed properly. The applicant shall work with the Conservation District to develop a Conservation Plan that ensures that the property and uses will not permanently injure the appropriate use, visual quality, or marketability of the nearby properties.

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

The proposed use will increase traffic to the subject property. Depending on the number of people coming to the site or the size of the groups coming to the property, there is a possibility that the increase in traffic could exceed the capacity of North 51st Street. Given the size of the subject property on-site parking must be installed and made available to employees, volunteers, and visitors. The applicant will need to pave/repave the driveway apron from the property line to North 51st Street with a UG Standard apron, as well as the driveway and turnaround areas on the property, which can be done with pavers.

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

Special Use Permits are not addressed in the City-Wide Comprehensive Plan. The City-Wide Comprehensive Plan designates the subject property as Rural-Density Residential, which allows for agriculture, ranches and large lot residential development. The proposed use for agricultural conforms to the Comprehensive

Plan, however, uses such as the commercial kitchen, overnight camping, or other pseudo-commercial uses may conflict with the Comprehensive Plan designation.

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

The expansion of a community farm will likely enhance the environment by maintaining permeable, vegetative surfaces and producing local foods. There are potential harms to the environment, including extensive production of monoculture, waste produced from a commercial kitchen, use of pesticides/herbicides and potential animal waste. The applicant has stated that these practices will not be utilized and any waste will be composted and reused in some fashion. Additionally, the Conservation District will work with the applicant to develop a Conservation Plan, which would help mitigate any impacts.

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

a. *Water service*

Water Service is provided by BPU.

b. *Sanitary sewer service*

There is no sanitary sewer service. The applicant will utilize a septic tank.

c. *Storm water control*

Storm water control is provided by the UG, with a pipeline to the southwest of the property.

d. *Police*

Police service is provided by Midtown Patrol, District #223.

e. *Fire*

Fire service is provided by Station #18, over one (1) mile away.

f. *Transit*

There is no direct transit service to the subject property.

g. *Schools*

Public Education is provided by Welborn Elementary School, Gloria Willis Middle School and F.L Schlagle High School under Kansas City, Kansas USD 500.

h. Streets

See item #6 above.

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

The Change of Zone and Special Use Permit will allow the property to be utilized as an agro-tourism attraction, which seeks to provide education and food on site. The success of the educational farm can have indirect positive economic impacts on the community by providing access to fresh and local produce, as well as teaching gardening skills and resources to the community.

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

With alterations to the site plan, the proposed use is capable of meeting applicable ordinance requirements.

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

There are a variety of benefits to an urban farm/educational farm, including access to fresh and local food, productive uses of otherwise vacant, underdeveloped or otherwise underutilized properties, and the proliferation of gardening skills throughout the community. These benefits outweigh any hardships imposed on the individual landowner or landowners.

13. Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.

Noise and dust are common issues with this type of use. Noise in particular may be an issue with the potential for on-site camping and a commercial kitchen, however, if managed properly and as long as quiet hours are adhered to, this should not be a major issue. Dust and vibration may be issues depending on the types of vehicles entering, exiting and moving throughout the property.

14. Whether the proposed use will pollute the air, land or water.

The proposed use, particularly the commercial kitchen and campground could pollute the land and water, however, if the use is managed properly, this should not be an issue.

15. Whether the use would damage or destroy an irreplaceable natural resource.

The proposed use will not damage or destroy an irreplaceable natural resource as long as it follows recommendations by the Conservation District as it is

located within a built-out rural residential neighborhood and is being used as a farm.

16. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use while occurring on a 9-acre parcel, may result in the overcrowding of land if the property is not laid out and managed properly in regards to parking and any campgrounds on the property. Undue concentrations of population are not expected to be an issue with the proposed use.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Dust
Grading Plan
Noise
On-Site Camping
Parking
Proposed Uses on the Site
Public Infrastructure
Site Access
Site Plan
Site Visitors
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application **COZ2023-032** and Special Use Permit Application **SP2023-112 (for two (2) years)**, subject to:

- 1. The applicant shall improve the driveway apron from North 51st Street to the property line with a UG standard driveway apron. The remainder of the driveway and parking areas may be a combination of grass pavers and gravel;**

2. The applicant shall record a cross access easement for the enclave parcel within the subject property to ensure that the current or future owner is able to access that property;
3. The miscellaneous debris found on the property shall be cleaned up. This includes tires, barrels, and other waste not being utilized by the farm operation. Any waste or other materials shall be stored in an organized manner, preferably out of view from the public/visitors to the site;
4. The applicant shall ensure that any on-site camping complies with all applicable noise ordinances and quiet hours set by the Code of Ordinances;
5. No more than 30 guests may be brought on-site at a particular time as to reduce disturbance to any nearby properties;
6. The applicant or any other parties may not utilize the property for their permanent residence until a permanent residence is constructed;
7. If the applicant intends any Grading more than 50 cubic yards and unrelated to a building permit, they shall file a Special Use Permit for Grading and provide a Grading Plan to Planning Staff;
8. The applicant shall work with the Wyandotte County Conservation District to develop and maintain a Conservation Plan and Waste Management Plan for the property. Please reach out to Cheri Miller, Director of the Wyandotte County Conservation District at wyco.conservation@gmail.com to begin this process;
9. The applicant shall work with Harvey Fields of the Kansas City, Kansas Fire Department to ensure that access and any other fire department requirements are met;
10. If the applicant intends to utilize or vacate the any portion of the public right-of-way, they shall contact the Right-of-Way Manager Andrew Roddy at aroddy@wycokck.org or (913) 573-5310 as well as Ricky Ledgerwood at rlledgerwood@wycokck.org or (913) 573-5421 as well as Planning Staff to discuss a right-of-way permit or vacation of the right-of-way;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal

- Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
13. 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;
 14. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 15. 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;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 18. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
 19. 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;
 20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 21. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land

- parcel and 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;
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;
 23. 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;
 24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 25. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **SP2023-112** and **COZ2023-032** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Elevations/Renderings
Business Plan
Site Photos, Taken by Staff, Dated December 11, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Change of Zone	Approval	
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-032** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-032**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-112** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-112**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:05:54:

CHANGE OF ZONE APPLICATION COZ2023-032 – ASHLY MEEK - SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District to operate an agro-tourism business at 3921 North 51st Street.

SPECIAL USE PERMIT SP2023-112 – ASHLY MEEK – SYNOPSIS: Special Use Permit to operate an agro-tourism business at 3921 North 51st Street.

Detailed Outline of Requested Action: The applicant, Ashly Meek, is requesting a Special Use Permit and a Change of Zone from R-1 Single-Family District to A-G Agriculture District to operate an agro-tourism business, which will include a food truck, educational retreats, a mobile market, tree nursery and small campground at 3921 North 51st Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;

3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Ashley Meek, applicant, 869 Quindaro Boulevard, Kansas City, Kansas 66101
- Robert Karl, 3169 North 67th Street, Kansas City, Kansas
- Christine Williams, 8319 Independence Avenue, Kansas City, Missouri
- Patrick Garrison, 276 South Mill Street, Kansas City, Kansas
- Olivia Moore, 5029 Haskell Avenue, Kansas City, Kansas 66104
- Corrine Shaw, 1026 Mill, Kansas City, Kansas

The Planning Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:23:17: Planning Director Hand stated that this is a Change of Zone from R-1 to A-G and a Special Use Permit for the campground. The property is in PlanKCK area. There is another agro-tourism business adjacent to this property. Staff received letters in support and no letters in opposition. There are some Notices of Violation that have been or will be addressed by this proposed project. Staff recommends approval of the Change of Zone application and the Special Use Permit (for two (2) years) subject to the conditions in the staff report.

Motion starts at 2:24:55:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application**

COZ2023-032:

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	No
Ernst	Aye
Jones	Aye
Miller	Not Present

Mohler Aye
Motion to recommend **APPROVAL** Passed: 7 to 1
Subject to:

1. The applicant shall improve the driveway apron from North 51st Street to the property line with a UG standard driveway apron. The remainder of the driveway and parking areas may be a combination of grass pavers and gravel;
2. The applicant shall record a cross access easement for the enclave parcel within the subject property to ensure that the current or future owner is able to access that property;
3. The miscellaneous debris found on the property shall be cleaned up. This includes tires, barrels, and other waste not being utilized by the farm operation. Any waste or other materials shall be stored in an organized manner, preferably out of view from the public/visitors to the site;
4. The applicant shall ensure that any on-site camping complies with all applicable noise ordinances and quiet hours set by the Code of Ordinances;
5. No more than 30 guests may be brought on-site at a particular time as to reduce disturbance to any nearby properties;
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- described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
13. 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;
 14. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 15. 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;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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 20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively

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

21. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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;
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;
23. 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;
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
25. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year

will result in automatic termination of this Special Use Permit.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2023-112 for two (2) years:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	No
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

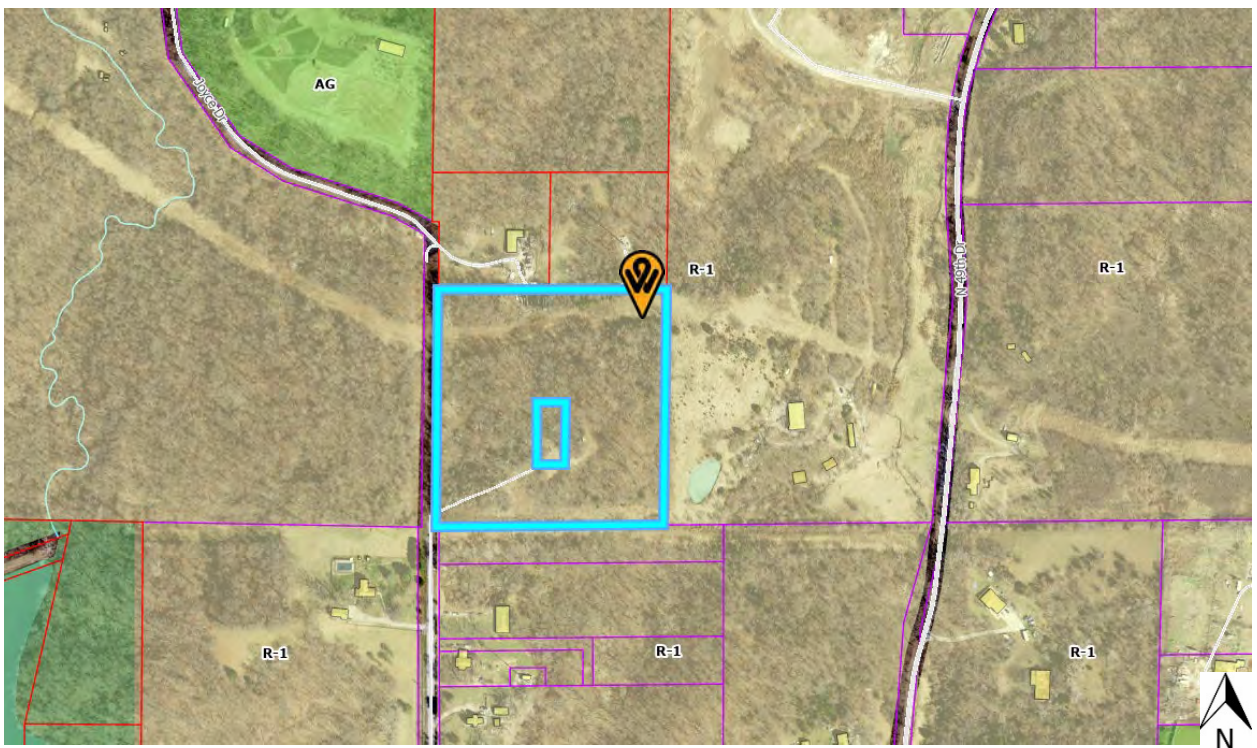
Motion to recommend **APPROVAL** Passed: 7 to 1
Subject to the above conditions

ATTACHMENTS

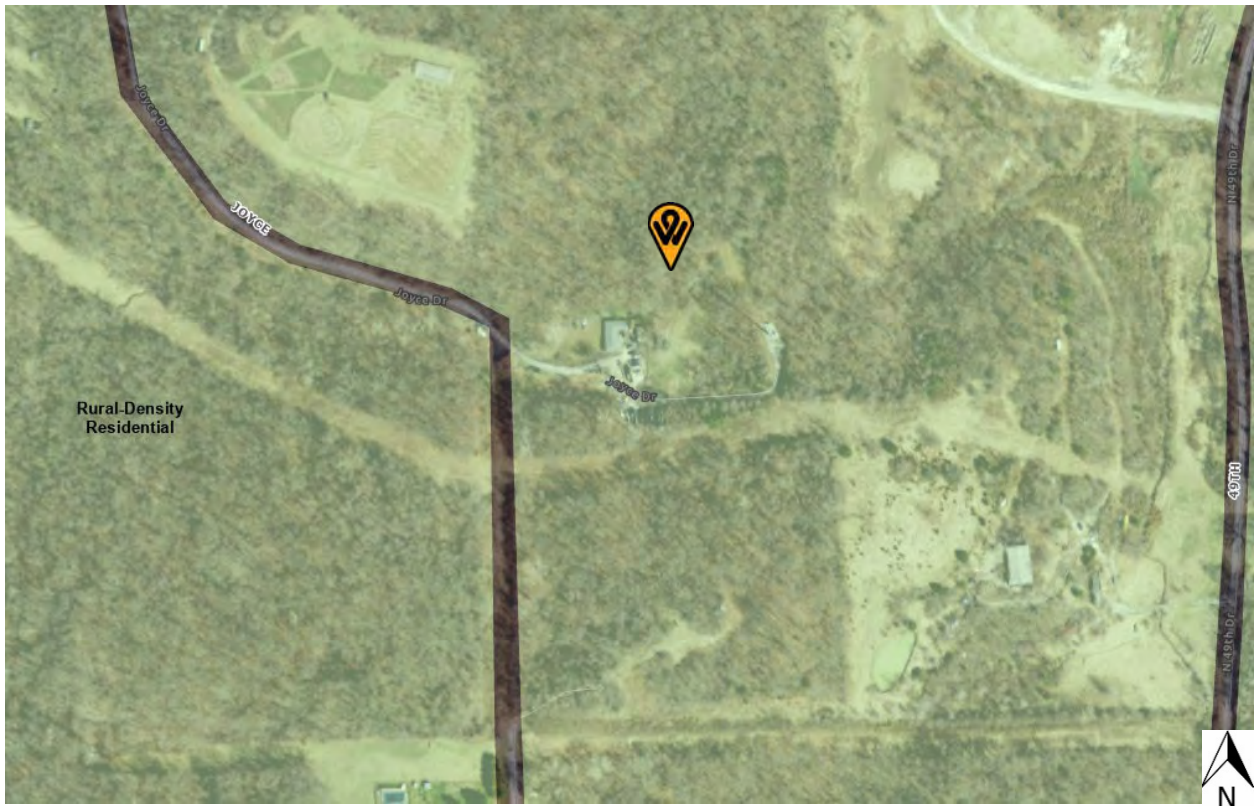
AERIAL IMAGERY



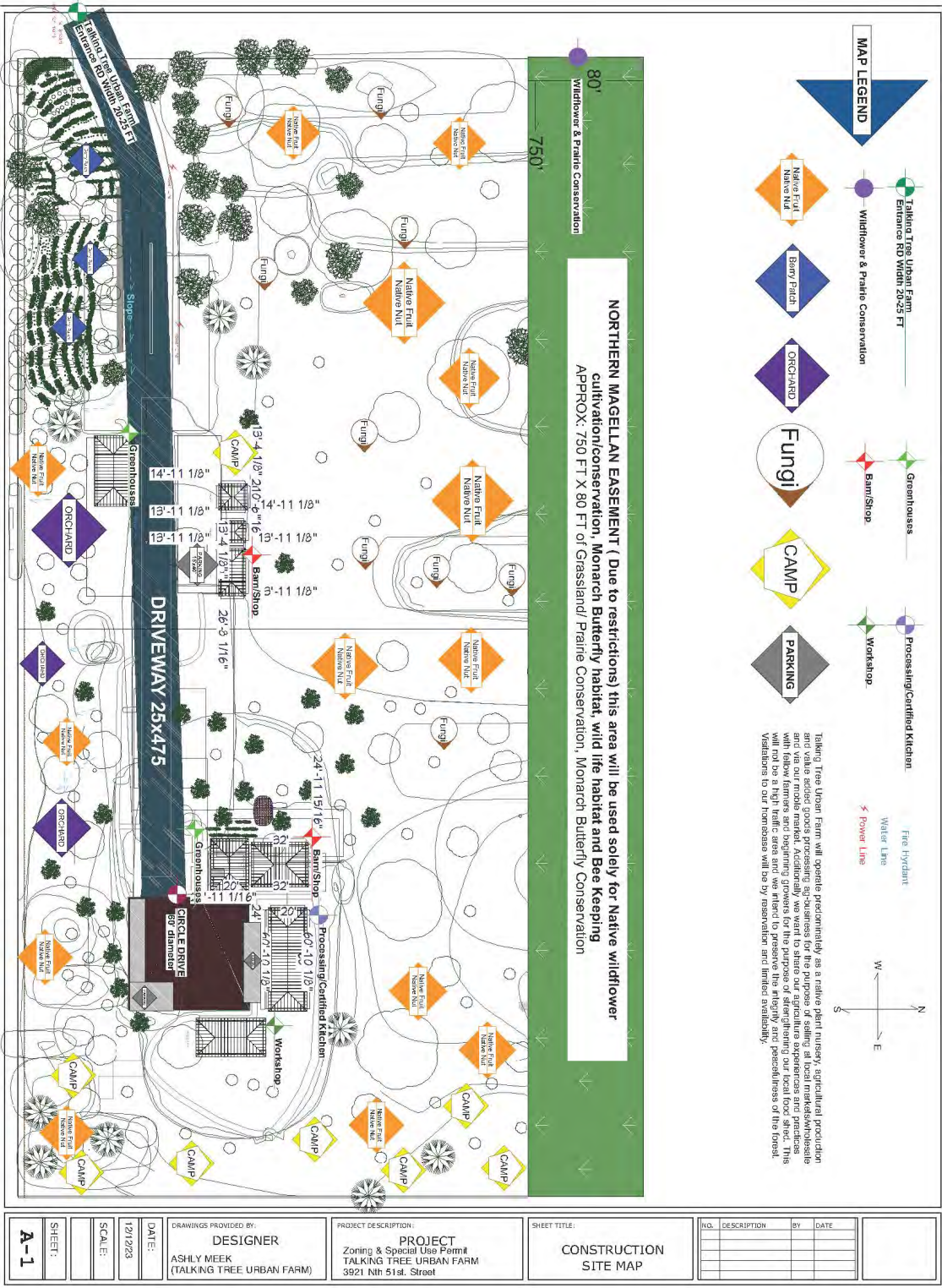
ZONING MAP



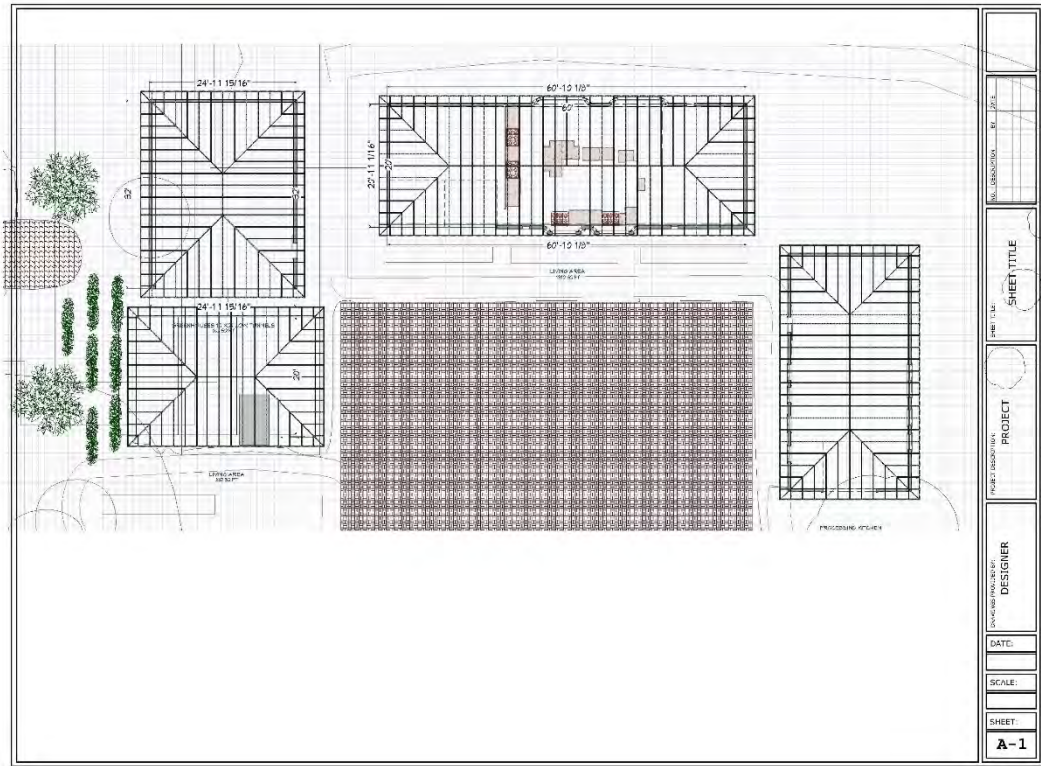
LAND USE MAP



SITE PLAN



ELEVATIONS/RENDERINGS





BUSINESS PLAN

Ashly Meek (Talking Tree Urban Farm LLC)
869 Quindaro Blvd.
Kansas City, KS. 66101
talkingtreeurbanfarm@gmail.com
913-263-4218
11/24/23

Planning & Zoning Unified Government

Dear Unified Government,

I am thrilled to present the comprehensive plan for the development and growth of Talking Tree Urban Farm's agroforestry production and sustainability education campground. Enclosed is a detailed blueprint outlining our vision, initiatives, and milestones designed to establish a dynamic and inclusive destination specializing in Agroforestry and Food Forest Management, committed to sustainability, education, and community engagement with fellow farmers, citizens and organizations.

Our plan focuses on fostering a unique experience where guests in particular students and farmers immerse themselves in nature, learn about agroforestry farming, utilize certified kitchens and contribute to the development of sustainable practices while engaging in hands-on educational activities. The phased approach begins with infrastructure development, including greenhouses for the nursery, processing spaces, and water management systems.

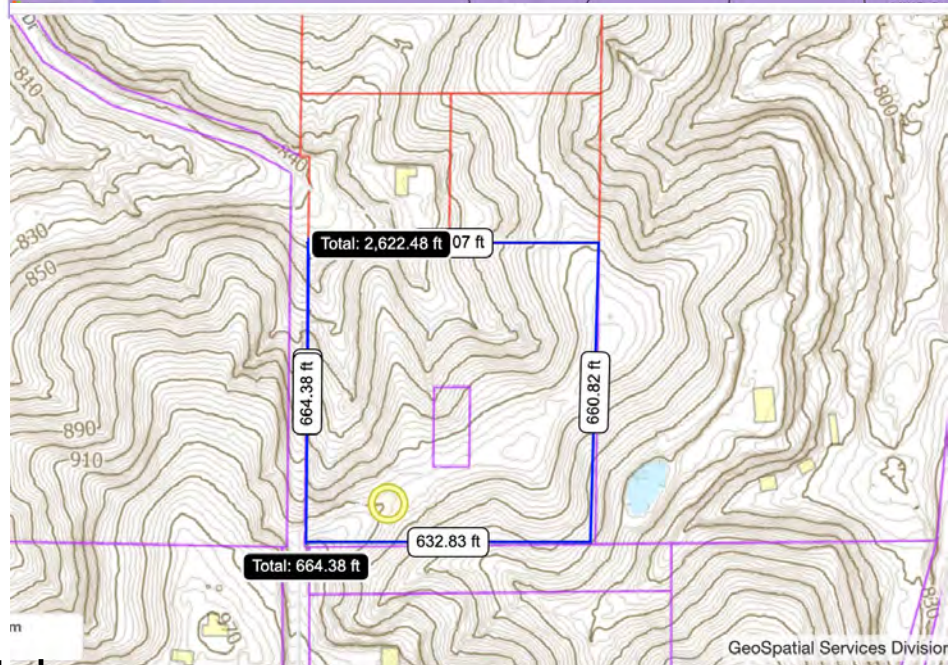
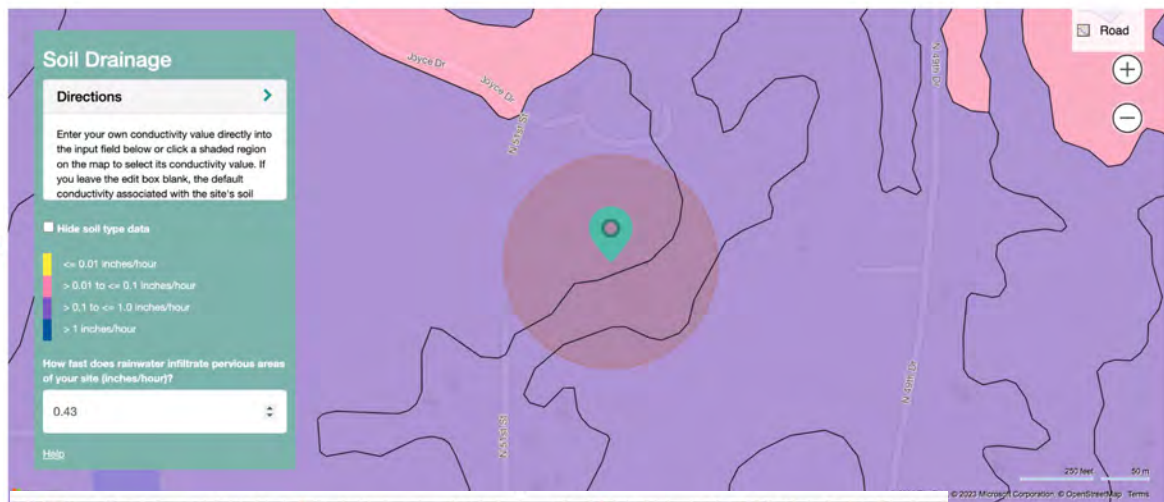
Further stages involve managing the established food forest and integration of diverse plant species. Additionally, accommodation for farm assistants, agricultural professionals, and students will be provided through the use of the campground. Talking Tree will cultivate collaborations with fellow farmers, local organizations, educational institutions, and government while also maintaining farm operations to sell at local farmers' markets, from our food truck and wholesale.

Thank you for considering our vision for Talking Tree Urban Farm Food Forest & educational accommodations. We are excited about the opportunity to create a positive impact in Wyandotte County and welcome any further discussions or collaborations to bring this vision to fruition.

Warm regards,

Ashly Meek
Owner/Operator
Talking Tree Urban Farm





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 - Regulatory Compliance

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 - Sewer and Waste Management
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 - STORM WATER & DRAINAGE CALCULATIONS
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 -

Executive Summary:

Talking Tree Urban Farm & Sustainability Education Center is an innovative, eco-friendly agroforestry production focused on providing immersive sustainability education experiences for farmers, students, and WYCO citizens. Located in a serene natural setting, our farm aims to offer a unique blend of outdoor recreation, agricultural educational, and eco-conscious living practices to promote environmental stewardship. Our mission is to inspire and empower visitors to adopt sustainable measures. Improve their farming operations, and utilize our produce, and kitchens for economic growth in wyandotte county.

Talking Tree Urban Farm stands as a resource for native plant production and a beacon of sustainability, education, and community engagement in the heart of Wyandotte County. Our commitment to regenerative agriculture, environmental stewardship, and fostering a deeper connection between individuals and nature drives our mission to welcome the community onto our farm.

Ashly Meek: Experience & Credentials

Ashly Meek, with over five years of invaluable experience in farm management, brings a wealth of expertise and dedication to Talking Tree Urban Farm. Having served for three years on the KCK Farmers Market Board of Directors, including a term as Co-Chair, Ashly demonstrated exceptional leadership in promoting local agriculture and community engagement.

As a former **Farm to Institution Educator and Farm Manager at Splitlog Farm for KC Healthy Kids and CHWC**, Ashly played a pivotal role in providing healthy, organic fresh food to residents of Wyandotte County predating and during the pandemic. Notably, her work extended beyond food provision, creating educational platforms and volunteer opportunities that empowered the community and promoted sustainable farming.

Ashly's commitment to agricultural education and local ag is further evidenced by her involvement as a former member of the Young Farmers Coalition Leadership Team. Her 15+ years residing in Wyandotte County have deepened her understanding of the community's needs and strengthened her dedication to promoting sustainable agriculture and healthy living.

Educationally, Ashly holds a Bachelor's degree in Organizational Communications from Park University, equipping her with effective communication skills essential for community outreach, education, and advocacy in the realm of sustainable agriculture styles through experiential learning and community engagement.

1. Company Description:

Talking Tree Urban Farm will be situated at 3921 Nth. 51st Street, encompassing [9.75 Acres] of pristine forest that will be utilized for propagating trees, managing a food forest and processing value added goods. Additionally Talking Tree aims to share its knowledge and expertise with farmers, students and eco-tourist. Talking Tree operations will include a produce processing food truck for on farm activities and deliveries throughout KC. The farm will provide agricultural and sustainability education to farmers and growers. Additionally farmers can rent the certified kitchen space to process goods. To help ease the strain of production and long days in the classroom we would like to provide accommodations to our guests. Initially we would like to put up all season tents, if the city allows we will event add a cabin or two for enhance accommodations.

2. Market Analysis:

Target Audience: Farmers, Artisans, consumers, schools, eco-tourists, environmental enthusiasts, and corporate groups seeking agricultural education, use of certified kitchen and eco-friendly experiences.

KCK currently only has two certified kitchens in the area, furthermore hands on education resources for farmers to navigate farm loans, permits and licensing and zoning changes is little to none. Our experiences, classes and certified kitchen will serve as stepping stone for future and current farmers and strengthen our local food systems.

3. Products and Services:

At Talking Tree we believe that diversity is the key to a flavorful, nutritious, and robust life. Which is why we offer something for everyone even the pollinators! I main focus in growing operations is on fruits, berries, herbs, and flowers. We convert most of our fruit and vegetables into preserves. Additionally we will offer a unique seasonal and fresh menu through our food truck with most of our good sourced from our farm, forest, and fellow farmers. Take a look a few example below of our previous growing seasons.







Accommodations & Greenhouses:

- Food Forest Management, Native & Perennial Tree Nursery: ALL WYCO RESIDENTS will receive a LOCAL ONLY DISCOUNT on native trees, herbs, and flowers.
- Agroforestry Farming Education: We will host seasoned and beginning farmers on the land to teach about conservation, sustainable farming operations and agroforestry.

- Forage & Feast Tours: We will host (reserved) foraging tours for groups and individuals with a focus on sustainable foraging and cooking with wild ingredients. We will also have a You-Pick berry and orchard as well as an accessible ADA compliant you pick experience.
- Travelin Tree's Food & Market Truck: We will take our goods on the road to special/private and major events in the metro. Our homebase will be the KCK Farmers Market.
- Sustainability Retreats: We would like to build a few cabins and provide tent camping. This will be a by reservation limited access resource to locals and farmers and will include a wide range of classes for hands on activities during your stay. These accommodations will also serve traveling farming assistants (Woofing Community)
- Preserves & Preservation: We will of course continue producing preserves and farm/forest to table meals. We will also offer canning and cooking classes.
- Native Plant, Rain Garden & Landscape Design: We offer native plants and Landscaping Design & education: The UG has a cost share program for rain water management: The Cost-Share Program helps cover the cost of materials and/or labor to install approved stormwater treatment facilities:
Rain gardens, native plant swales/buffers, cisterns, and permeable pavement (driveways/patios) 50% match up to \$1,000
Rain barrels (maximum of 2 per household) 50% match up to \$75 each
Native trees (maximum of 2 per household) 50% match up to \$75 each

8. SCOUTS REVIVAL: Some kids and now adults were lucky enough to learn how to camp or survive in the woods. Start a fire or identify poison ivy, edible foods or set up a tent. We want to offer Scouts for all classes. It's never too late to fall in love with nature and we want to help!

4. Marketing and Sales Strategy:

- Online Presence: Establish a user-friendly website showcasing offerings, online booking, and educational resources.
- Partnerships: Collaborate with schools, environmental organizations, and travel agencies for promotional activities and educational programs.
- Mobile Vending
- Wholesale

5. Operational Plan:

- **Staffing:** Hire knowledgeable guides, educators, hospitality, and maintenance staff committed to sustainability.
- **Infrastructure:** Develop eco-friendly infrastructure utilizing renewable energy, waste management systems, and sustainable construction materials.

- **Safety and Regulations:** Ensure compliance with local regulations, safety standards, and environmental preservation laws.

6. Financial Plan:

USDA FARM OWNERSHIP & OPERATIONS LOAN: already obtained.

Revenue Streams: Additional USDA Grants & Agricultural Funding in the works. Produce & Nursery Sales, Landscape Design, Accommodation fees, workshop charges, Tree Nursery and Value Added Goods, tours, and partnerships with sponsors.

Cost Structure: Initial investment in infrastructure, operational expenses, staff salaries, marketing, and ongoing maintenance costs.

7. Sustainability Impact:

- **Environmental Commitments:** Reduce carbon footprint, promote biodiversity, practice waste reduction, and support local conservation efforts.
- **Community Engagement:** Engage with the local community, offering educational programs and volunteering opportunities to foster sustainability awareness.

8. Future Growth Plans:

- **Expansion:** Evaluate opportunities for expanding offerings, adding more educational modules, and potentially opening new locations.
- **Research and Development:** Invest in research for innovative sustainability practices and educational methodologies.

Conclusion:

Talking Tree Urban Farm & Sustainability Center is positioned to become a flagship destination for agroforestry education and eco-tourism while also delivering quality produce and value added goods to neighbors and wholesalers. By providing enriching experiences and fostering a deeper understanding of environmental issues, we aim to contribute to a more conscious and sustainable world and help farmers/growers thrive in our urban core.

This business plan serves as a blueprint to guide the establishment and growth of Talking Tree Urban Farm, reflecting its commitment to sustainability, education, and community engagement. We believe in sustainable intentional growth, creativity, nature preservation and sharing with one another. We hope the Unified Government will not only see our value but support us in our endeavors to a healthier, cleaner, more vibrant WyCO world.

Secluded Accommodations: a fusion of "glamorous camping," offers a comfortable, clean, no-hassle outdoor experience while maintaining seclusion and immersion in nature. It combines the convenience and comfort of glamping accommodations with the raw beauty and tranquility of the remote setting. These accommodation will serve as a resting place for fellow farmers, staff and students. Here's an example of the tents.

Commercial Grade 4 Season Canvas Tents on Platform with heat and compost toilet/ bathroom adjacent. These structures are equipped with comfortable bedding, furniture, solar lights, wifi, and heat in the winter.



Immersive Experience: While providing no-hassle shelter, guests partake in an immersive nature exploring experience and sustainability educational workshops. Furthermore, Farmers utilizing our certified kitchens will have a place to rest after long days in the kitchen or classes.

What is Sustainability education?

Sustainability education encompasses a wide range of topics and can be delivered through various methods.

Workshops and Seminars: Organizing workshops and seminars focused on topics like renewable energy, waste reduction, sustainable agriculture, water conservation, or climate change. These sessions can be conducted by experts, environmentalists, or educators to provide in-depth knowledge and practical tips.

Hands-on Activities: Engaging participants in hands-on activities such as composting workshops, organic gardening sessions, or DIY projects using recycled materials. These activities allow individuals to actively participate and learn practical skills related to sustainability.

Nature Walks and Eco-Tours: Guided nature walks, eco-tours, or field trips to explore local ecosystems, wildlife, and biodiversity. These experiences help participants understand the interconnectedness of nature and human impact on the environment.

Interactive Exhibits and Displays: Setting up interactive exhibits or displays showcasing sustainable practices, alternative energy sources, eco-friendly technologies, and innovative solutions for environmental challenges. These exhibits can be both educational and inspiring.

Curriculum Integration: Integrating sustainability topics into school or university curricula across various subjects. This approach ensures that students learn about environmental issues, sustainable development, and responsible citizenship from an early age.

Community Outreach Programs: Conducting community outreach programs that involve local residents in sustainability initiatives such as KCEEN, tree planting campaigns, recycling programs, or educational events in neighborhoods or public spaces.

Corporate Training and Sustainability Initiatives: Offering sustainability training programs for businesses and organizations to promote eco-friendly practices in the workplace. This can include energy efficiency, waste reduction, and green procurement strategies.

Partnerships and Collaborations: Collaborating with environmental NGOs, governmental bodies, educational institutions, and local communities to create comprehensive sustainability education programs that address local needs and concerns. Furthermore, we want to use our experience gaining funding, property and constructing a food forest operation as a tool to help other farmers save money, time and energy as they expand operations.

Experiential Learning Programs: Implementing experiential learning programs, such as sustainability-themed camps or retreats, where participants engage in practical activities, discussions, and reflection exercises focused on sustainable living.

Talking Tree Urban Farm Daily Operations

1. Native Plant and Food Forest Nursery:

Establishing a native plant and food forest nursery involves cultivating and selling indigenous plants, trees, shrubs, and seeds that are well-suited to the local ecosystem. This nursery could specialize in promoting biodiversity, conservation, and sustainable landscaping by offering native species that support local wildlife and require minimal maintenance.

2. Certified Kitchen Rental Space:

Providing a certified kitchen rental space allows local farmers, food artisans, and small-scale producers to access commercial-grade facilities for food processing, canning, preserving, and creating value-added products. This space can comply with health and safety standards and help support local food businesses.

3. Post Harvest Food Processing Station & Mobile Market:

Offering a post-harvest food processing station enables farmers and growers to process and package their produce after harvest. Services might include washing, sorting, cutting, and packaging fruits and vegetables to extend shelf life and enhance marketability.

4. Onsite Greenhouses:

Maintaining onsite greenhouses can serve various purposes, such as year-round cultivation of produce, propagation of native plants, educational tours showcasing sustainable growing techniques, and providing fresh produce for the campground's kitchen or local markets.

5. Food Forest Design Planning:

Offering food forest design services involves creating sustainable, regenerative landscapes based on permaculture principles. This service includes planning and designing food forests, which are biodiverse ecosystems mimicking natural forests, and providing a variety of edible, medicinal, and beneficial plants.

6. Foraging Tours:

Conducting foraging tours allows participants to learn about edible wild plants, sustainable harvesting practices, and the importance of biodiversity. Guided tours through natural landscapes provide hands-on experiences in identifying, harvesting, and safely using wild plants for food or medicinal purposes.

These business operations are complemented by the sustainability education campground which will diversify offerings, increase eco-tourism, promote local food systems, support environmental conservation, and provide opportunities for hands-on learning and community engagement.

Current Partnerships in Wyandotte County

KCK Farmers Market: A local market providing fresh produce and products from regional farmers and vendors. Partnering with them could involve collaboration on educational workshops, events, or the promotion of sustainable practices.

Groundworks NRG: An organization dedicated to community gardening, environmental education, and sustainability initiatives. Partnering with them could involve joint projects, workshops, or educational outreach programs.

KC Farm School: This institution focuses on agricultural education, offering programs and resources for aspiring farmers. Collaborating with them could involve workshops, training sessions, or educational exchanges.

Wyandotte County Farmers Market Coalition: A coalition aiming to support local farmers and improve access to fresh, healthy food in the community. Partnering with them could involve joint advocacy efforts, events, or initiatives to promote sustainable agriculture.

Young Farmers Coalition: An organization supporting and advocating for young farmers. Partnering with them might involve mentorship programs, workshops, or events aimed at engaging and empowering the next generation of farmers.

K-State Extension Office: Kansas State University's extension office often provides educational resources, workshops, and expertise in agriculture, horticulture, and sustainability.

Partnering with them could involve collaborative educational events, research initiatives, or training programs.

Please note that the landscape of partnerships and organizations may evolve over time, and new entities might emerge or existing ones might change their focus or operations.

The Kansas Permaculture Institute (KPI) is a non-profit organization dedicated to promoting permaculture principles, sustainable living, and regenerative agriculture practices. Partnering with KPI can be highly beneficial for a sustainability education campground. Here's how such a partnership might look:

Potential Future Partnerships

Sustainable Agriculture Research & Education (SARE): Partnering with SARE can offer access to resources, grants, and expertise in sustainable agriculture. This collaboration might involve joint workshops, funding opportunities for sustainable projects, and access to research-based information for educating visitors about sustainable farming practices.

Wyandotte Conservation District: Collaborating with the Wyandotte Conservation District can provide access to conservation resources, expertise, and programs. This partnership could involve conservation workshops, land management discussions, or projects aimed at promoting biodiversity and land stewardship within the campground.

Local Farmers: Partnering with local farmers can foster a connection between the campground and the local agricultural community. Collaboration might involve sourcing fresh produce for the campground's kitchen, organizing farm tours, or hosting farmer's markets to support local growers.

K-12 Schools and Early Education Centers: Partnering with schools and early education centers can provide opportunities for field trips, outdoor learning experiences, and sustainability-focused educational programs tailored to different age groups. These collaborations can support environmental education initiatives and introduce younger generations to sustainability concepts.

New Roots for Refugees: Partnering with New Roots, an organization supporting refugee farmers, could involve mentorship programs, joint workshops on sustainable farming practices, or providing a platform for refugee farmers to sell their produce at the campground.

Growing Growers: Collaborating with Growing Growers might involve internship programs, workshops, or mentorship opportunities for aspiring farmers interested in sustainable agriculture practices. This partnership can facilitate knowledge exchange and skill development in sustainable farming.

Cultivate KC: Partnering with Cultivate KC can provide access to resources, networks, and expertise in urban agriculture and food systems. Collaborating with them might involve

educational events, workshops, or initiatives promoting community gardens and local food access.

Establishing partnerships with these organizations presents opportunities for mutual learning, resource sharing, and community engagement. These collaborations can enrich the sustainability education campground's programs, broaden its reach, and contribute positively to the local community's understanding and practice of sustainable living and agriculture.

Talking Tree Urban Farm Capacity Development Plan

Stage 1: Infrastructure Establishment 2023-2024

Installation of Greenhouses: The initial stage involves setting up on-site greenhouses to facilitate year-round cultivation and propagation of plants. These greenhouses can vary in size and design, serving multiple purposes such as seed starting, plant propagation, and growing seasonal produce. They will provide a controlled environment for cultivating plants, allowing the campground to grow its own organic produce and serve as educational spaces for visitors to learn about sustainable agriculture.

Accessory Storage Buildings: Construction of accessory buildings, such as storage facilities, workshops, or educational spaces. These buildings will house equipment, tools, educational materials, and spaces for workshops or meetings related to sustainability education and agricultural operations.

Water Catchment System: Implementing a water catchment system involves installing rainwater harvesting infrastructure to collect and store rainwater from rooftops or other surfaces. This collected water can be used for irrigation in greenhouses, landscaping, and other non-potable water needs, reducing reliance on traditional water sources and promoting sustainability.

Utilities: Establishing basic utility systems, including electricity, plumbing, and heating/cooling, is crucial during this phase. These utilities will support the functionality of the greenhouses, accessory buildings, and overall operations of the campground. Where feasible, incorporating renewable energy sources such as solar panels or wind turbines can align with sustainability goals.

Regulatory Compliance: Ensuring compliance with local building codes, environmental regulations, and permits during the installation of infrastructure is a vital aspect of this stage. Working closely with local authorities and obtaining necessary approvals is essential for successful and lawful development.

This initial stage focuses on laying the foundational infrastructure necessary for the campground's sustainable operations, educational programs, and agricultural initiatives. Once Stage 1 is completed, it sets the groundwork for subsequent phases, enabling the Farm & campground to advance toward its goal of offering immersive sustainability education experiences.

Stage 2: Food Forest Establishment and Campground Infrastructure Development 2024-Spring 2025

Interplanting Food Forest on South-facing Hill: This phase involves establishing a food forest on a designated south-facing hill within the campground. The food forest will follow permaculture principles, incorporating diverse layers of trees, shrubs, perennial plants, and ground covers. Plantings will be carefully planned to mimic natural ecosystems, maximizing biodiversity, and providing a sustainable source of edible plants, herbs, fruits, and nuts. Educational signage and guided tours will be developed to educate visitors about the food forest's design and ecological significance.

Installation of 4 Tent Locations: During this stage, the campground will introduce four tent locations in strategic areas.

Processing and Harvesting Crops: With the infrastructure in place from Stage 1, this stage will focus on the processing and harvesting of crops cultivated in the established greenhouses and surrounding agricultural areas. Facilities for post-harvest processing and storage will be set up to handle harvested produce effectively. Workshops and demonstrations on food preservation techniques, such as canning, drying, and fermenting, will be conducted to educate visitors on value-added food processing methods and reducing food waste.

Community Engagement and Workshops: Educational workshops, events, and volunteer opportunities related to food forest establishment, glamping, and sustainable agriculture will be offered to engage the local community and campground visitors. These activities will provide hands-on learning experiences and foster a deeper understanding of sustainable living practices.

Stage 2 focuses on enhancing the agricultural aspects of the campground, introducing additional accommodations, and furthering sustainability education initiatives. It aims to create a harmonious environment where guests can experience sustainable practices while enjoying nature-focused amenities

Stage 3: Expansion and Continued Outreach (Spring 2025 - Fall 2025)

Expand Parking Facilities: As the campground grows in popularity and capacity, expanding the parking facilities becomes essential to accommodate more visitors. This stage involves expanding the parking area to accommodate additional vehicles, ensuring convenient and safe parking options for guests while maintaining a minimal environmental footprint.

Expand Sewer/Septic/Composting System: Will address sewage capacity as traffic increases. The first design element includes an application with the health department for temporary and/or compost toilets in 2024.

Add 4 More Tent Camping Locations: Continuing the expansion of accommodations, four additional tent camping locations will be introduced in picturesque and strategically chosen

areas within the campground. These tent camping sites will provide affordable and eco-friendly lodging options for visitors seeking a more traditional camping experience while immersing themselves in the campground's sustainability initiatives and educational programs.

Outreach to Future Partnerships: The campground will continue its outreach efforts to establish partnerships with like-minded organizations, educational institutions, and local community groups. These ongoing partnerships could involve collaborations on sustainability workshops, joint research projects, educational exchanges, or promotional initiatives aimed at advancing sustainability education and community engagement.

Visitor Engagement and Educational Programming: The expanded capacity and facilities will enable the campground to host a more extensive array of educational programs, workshops, and events. These activities will cater to diverse audiences, including schools, universities, local community groups, and visitors, offering a wide range of sustainability-focused activities such as guided tours, hands-on workshops, and interactive learning experiences.

Sustainable Practices Implementation: Emphasis will be placed on implementing and showcasing advanced sustainable practices within the campground's operations. These may include further integration of renewable energy sources, improved waste management systems, water conservation measures, and ongoing enhancements to the food forest and agricultural areas, aligning with the campground's commitment to sustainability.

Stage 3 represents a pivotal phase in the campground's growth, focusing on expanding both infrastructure and outreach efforts. By increasing accommodation options, outreach initiatives, and visitor engagement opportunities, the campground aims to become a hub for sustainability education, fostering partnerships and creating a lasting impact within the local community and beyond.

Traffic & Neighborhood Impact

Talking Tree Urban Farm will operate on Reservation-Based Visitation protocols

At Talking Tree Urban Farm, all visitations are exclusively by reservation. This intentional approach to visitation serves multiple purposes, ensuring a controlled flow of guests, minimizing environmental impact, and providing an intimate experience for visitors to immerse themselves fully in the sustainability education offered. Key considerations include:

Reservation-Only Visits: Guests are required to make reservations in advance for any visitation to the farm. This approach allows the management to control the number of visitors, ensuring that the activities and educational sessions are conducted in a manner that aligns with the farm's ecosystem and sustainability ethos.

Intimate and Educational Experience: The reservation-only policy enables Talking Tree Urban Farm to maintain an intimate setting for its activities and educational programs. This intimate setting fosters an environment where guests can fully engage in their learning

experience, interact closely with instructors, and immerse themselves in topics such as sustainability, food preservation, agroforestry, and farm business planning.

Environmental Impact Mitigation: By managing visitations through reservations, the farm can control the number of guests at any given time. This proactive approach helps minimize the impact on the ecosystem, ensuring that the farm's delicate balance is preserved while educating guests on sustainable practices.

Customized and Engaging Activities: The reservation-based system allows Talking Tree Urban Farm to tailor activities and educational sessions to the number of guests present, providing a more personalized and engaging experience. It enables instructors to focus on individualized attention and hands-on learning, maximizing the educational impact for each visitor.

Promotion of Sustainability: This approach aligns with the farm's commitment to sustainability by managing resources efficiently, reducing waste, and promoting responsible visitation practices among guests.

Talking Tree Urban Farm aims to offer a unique, educational, and immersive experience that prioritizes both sustainability education and the preservation of the farm's ecosystem. It ensures that guests leave with a deeper understanding of sustainable practices while maintaining the farm's integrity and ecological balance.

Emergency Protocols: Fire Emergency Plan

At Talking Tree Urban Farm, the safety and well-being of our visitors, staff, and the environment are paramount. As part of our commitment to ensuring a safe environment, we have established comprehensive emergency protocols, including a Fire Emergency Plan. Key components of this plan are as follows:

EXPANDING DRIVEWAY TO 20-25 FT WIDE & adding Circle Drive to ACCOMMODATE TRAFFIC OR FIRE TRUCK - 2024

Fire Hydrant Location and Access: A fire hydrant is strategically located at the entrance of the farm, connected to a robust 40-inch water main. This hydrant serves as a primary firefighting resource and is easily accessible to emergency responders in the event of a fire emergency.

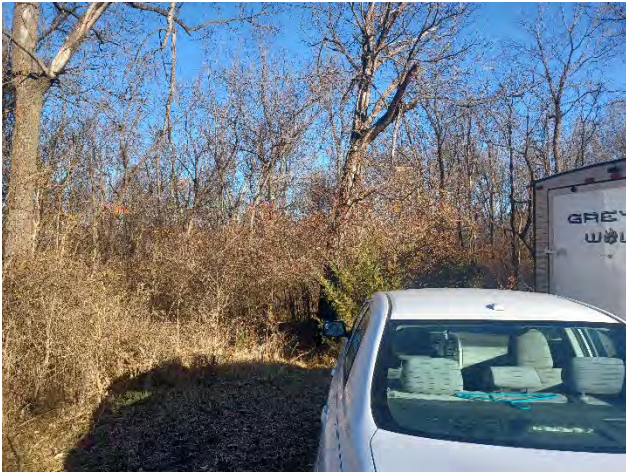
Fire Prevention Measures: Talking Tree Urban Farm implements rigorous fire prevention measures, including regular maintenance of the property, fire safety inspections, and adherence to local fire safety regulations. Additionally, fire prevention education and training will be provided to staff and visitors to mitigate potential fire hazards. The future expansion of the drive will include a turn around spot for large vehicles like fire trucks.

Emergency Response Procedures: In the event of a fire emergency, immediate steps will be taken to ensure the safety of individuals on-site. This includes alerting guests and staff, directing them to designated evacuation points, and contacting emergency services.

Collaboration with Local Authorities: Talking Tree Urban Farm maintains open communication and collaboration with local fire departments and emergency responders. Regular drills and coordination exercises are conducted to ensure effective response and coordination in case of a fire incident.

Continuous Improvement and Review: The Fire Emergency Plan undergoes regular reviews and updates to incorporate best practices and lessons learned. This ensures that protocols remain current and effective in addressing potential fire emergencies.

SITE PHOTOS, TAKEN BY STAFF, DATED DECEMBER 11, 2023





NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Ashly Meek, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ 2023-032. SP2023-112
2. That I conducted a neighborhood meeting on December 26th 2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Ashly Meek
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of December, 2023.

My commission expires 2 of 8, 2025.



Lori Braswell
Notary Public

Neighborhood Meeting Letter

COZ2023-032 change of zone
SP2023-112 special use permit

Date:12/15/23
COMMISSIONER MELISSA BYNUM
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101

You are invited to a Neighborhood Meeting!

I have filed an application with the Planning + Urban Design Department
#COZ2023-032.SP2023-112 , The purpose of this:

(please use all that applies)

- ☐ COZ2023-032 change of zone
- ☐ SP2023-112 special use permit

The purpose of this application is to establish my farm operation. Talking Tree Urban Farm will be an agroforestry production and sustainability education center. This production will focus on Agroforestry and Food Forest Management, Selling products at local farmers' markets, and our food truck. We will also provide business management classes, farming education, and a commercial kitchen to fellow farmers, citizens, and organizations. Additionally, we will provide accommodations for multi-day education events and rental of certified kitchens through the use of our small campground. This operation and application are for the 9.92-acre property located at 3921 Nth 51st, Kansas City KS. 66104

I am having a neighborhood meeting on December 26th 2023 at 2:30 p.m. via ZOOM and a post-meeting tour of the farm at 4PM. Scan the QR code below to join the meeting or RSVP for the tour.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting and sharing the vision of TALKING TREE URBAN FARM. For questions or if you cannot attend, please email me at talkingtreeurbanfarm@gmail.com.

Sincerely,

Ashly Meek
Owner- Talking Tree Urban Farm

NEIGHBORHOOD
ZOOM MEETING



SCAN TO JOIN
ZOOM MEETING
12/26/23 @ 2:30 PM

PROPERTY TOUR



SCAN TO RSVP
FOR 4PM TOUR
OF PROPERTY



TALKING TREE URBAN FARM-3921 Nth. 51st Street.
PHONE: 913-263-4218 EMAIL: talkingtreeurbanfarm@gmail.com
SITE: www.talkingtreeurbanfarm.com FB: [@talkingtreeurbanfarm](https://www.facebook.com/talkingtreeurbanfarm) IG: [@talkingtreeurbanfarm](https://www.instagram.com/talkingtreeurbanfarm)

MEETING MINUTES

Application Number

COZ2023-032 change of zone
SP2023-112 special use permit

Date and Location: 12/26/2013 @ 2:30PM VIA ZOOM

Meeting called to order at: VIRTUAL

Names of people in attendance: HERBERT FIELDS

Additionally, these Neighbors were not at the meeting but I have met with them and discussed plans:

Joan & Mike Meyers, Regina Compennolle and Rick Mareske, Kim Reed, Kassie- Frank Steins Wife, George Thompson

Introductions:

I held the neighborhood meeting via Zoom. Only one of my neighbors (HERBERT FIELDS) attended and we had already spoken earlier in the week. However, I've connected with a total of 6 neighboring property owners.

Pre- Neighborhood Meeting conversations:

Herbert Fields: In our first conversation via phone call, Herbert called to ask about our farm and plans. He was very interested in learning about funding and food forest production. He shared that the 40 acres next to our parcel was his father's and was his safe haven. The conversation evolved into the possibility of leasing or purchasing the land directly west of our property. He then had his lawyer and friend call the following day who stated they would like to work with us on our operation.

Joan Meyers: The first day I met Joan & Kim we exchanged numbers and took a walk of the property. She expressed how grateful she was that the property would finally be taken care of. She explained her constant battle with people dumping, cars being taken to the property and burned, and challenges with previous ownership and house being burned down. She has owned her house for 30 years and also has farm animals and we connected immediately. Yesterday 12/30- we spoke about trails and her need to keep them up and how she physically can not do it anymore. this is an additional opportunity to create longer nature trails and help neighbors maintain their forests.

Kim Reed: Her property is south of Joan. She was with Joan the first time we met and both neighbors were welcoming and hospitable to our new venture. We've exchanged numbers and plans to do neighborly things in the future.

George Thompson- owns property adjacent to Kim. Also met at the same time as Kim and Joan. Not much to say but nice neighbor and has no complaints/comments. It is a tight-knit corner and I am hopeful we will build strong community connections with our neighbors.

Cassie Stein- Cassie and I talked for an hour on Dec 29th about our plans. She is an aspiring hobby gardener and we share a lot of the same interests. Her only concern was traffic because she mentioned that people had come out of the woods east of her property and stolen from them. She warned us about this and we took note. She asked about traffic to and from the property. I explained that all visits to the property would be

by reservation and limited in number of visitors and no parking on 51st Street itself. I also explained that any visitors would be there to learn about agriculture. She understood and even shared her own gardening goals which I offered to help her with. We both agreed that peace is our goal and made plans to connect again soon.

Rick Mareske & Regina Campernolle: I have previously worked with Rick for local food and agricultural education/event collaborations when I managed the KC Food Circle for KC Healthy Kids. We are currently planning to bring our teams together for future collaborations with our neighboring farms. Regina reached out via Instagram and we have started a group chat with teams to plan.

Virtual Zoom Meeting- Herbert Fields Attended

In the Zoom meeting, I presented our history, experience, services & programming, site plan, and traffic projections.

Questions and answers (include the following):

- ☐ Herbert & Discussed his father's farming, the native plants, and deer on our connected property. He said multiple times that he loved our proposal and even quoted his late father "Where there's a will there's a way" when giving supportive feedback.
- ☐ Herbert is interested in future collaboration. He also shared info about his network in the wholesale industry that I could connect with.
- ☐ Herb ended the meeting with "Well you have my blessing and I would gladly write you a letter of support"

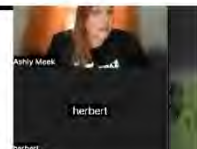
The meeting adjourned at: 2:30-4pm

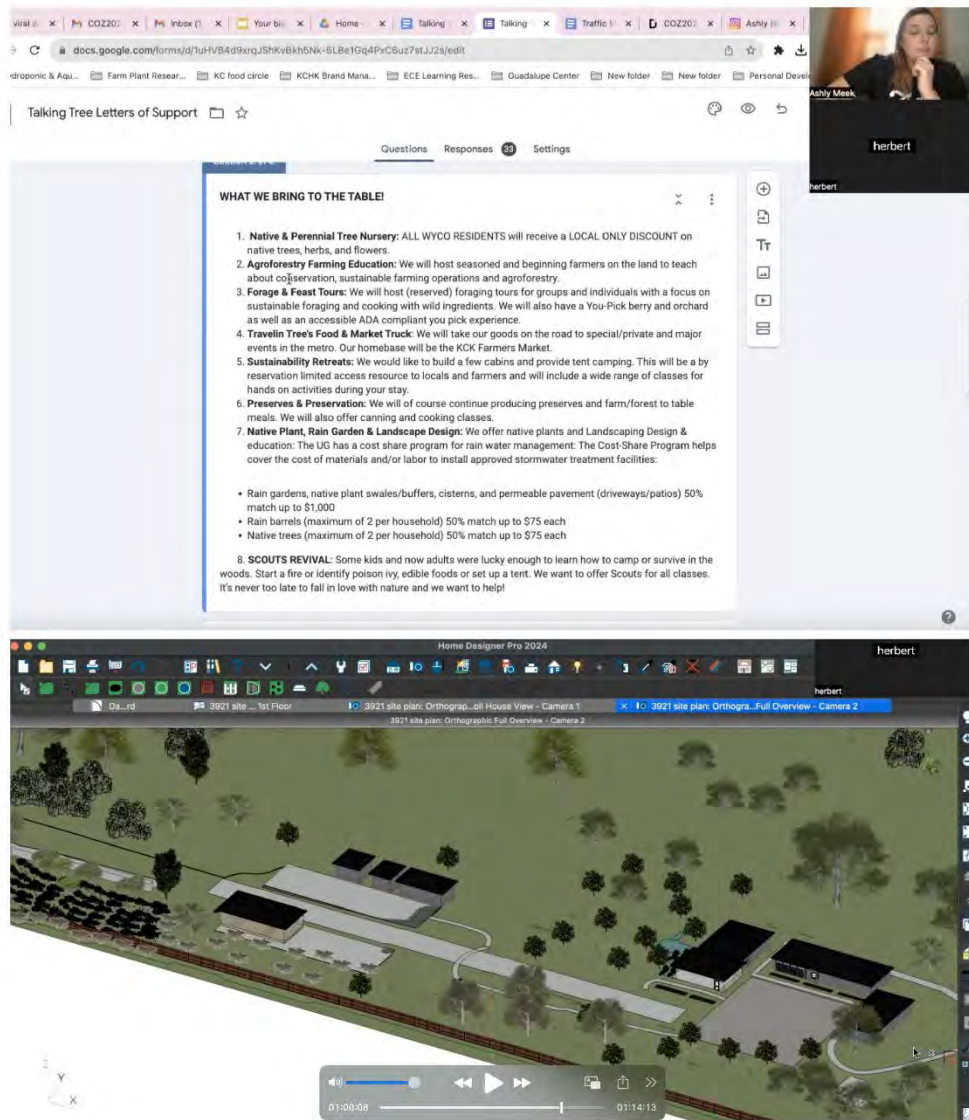
Minutes taken by: Ashly Meek

About Talking Tree

Talking Tree Urban Farm LLC & Sustainability Education Center is an innovative, eco-friendly agroforestry production focused on providing immersive sustainability education resources for farmers, students, and WYCO citizens. Located in a serene natural setting, our farm aims to offer a unique blend of outdoor recreation, agricultural education, and eco-conscious living practices to promote environmental stewardship and help fellow business owners strengthen and expand production capacity. Our mission is to inspire and empower visitors to adopt sustainable measures. Improve their farming operations, and utilize our produce, and processing kitchens for economic growth in Wyandotte County.

Start in 2020 on Landbank lots at 9th & Quindaro, After various challenges began looking for a permanent home in 2023.





LETTERS OF SUPPORT, PROVIDED BY THE APPLICANT

Timestamp	Email Address	Name	Address (We would like to mail you a Thank you letter)	Phone Number	What is your occupation and/or organizations that you are affiliated with?	On scale from 1 to 5 what is your rating of the importance of supporting sustainability and our environment for our community?	Check all that you are interested in learning more about	TALK TO US! If you are interested in supporting TALKING TREE URBAN FARM, please attach a letter of support. Thank you so much for helping bring Talking Tree Urban Farm to life! We appreciate and love all of you! Stay tuned for next steps!	Upload your letter or photo of support, whichever feeds your heart - we will gladly take it!
1/14/2023 11:06:24	ian@bluecreators.com	Ian Davis	789			5	Native Plant, Rain Garden and Landscapes Design, Scouts Revival	As a Wyandotte county resident, Talking Tree Urban Farm would be a major asset to help promote and educate the public on the natural resources already existing in our community and make them more wonderful for the community. The classes they are offering will help anyone interested to be able to identify native plants and trees, can their own food and preserve our natural habitat.	
1/14/2023 11:12:58	byang53@gmail.com	Bee Yang	2291 N 68th Terrace		Student	5	Native Plant, Rain Garden and Landscapes Design		
1/14/2023 11:16:53	csarahel.cattley@cloud	Sarahel Cattley	716 W. Wabash Omaha KS 68101	9132717471		5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design, Scouts Revival	I believe that urban farming is essential to the development of intercity nation, education and health in today's world and communities	
1/14/2023 12:01:54	gethnoxeon@gmail.com	Melessa Weinman	608 Lowell Ave KC KS 66101	8166169005	Artist/Hobby Trees	5	Agroecology Farming Education, Forage & Feast Tours, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design	Excited to see the 10 acres be used sustainably and geared toward education	
1/14/2023 12:35:26	rayg@cockett@gmail	Rayg Herrick	5311 Euclid Ave, Kansas City, MO 64130-5506, USA	8166526605	Chief	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design	Because it is exactly what the community needs	
1/14/2023 16:07:06	dansm@notmail.com	Daniel Felton	3926 Lower Denmark Road Young's Sliding WA 9330	0480 312 095	Commercial Inductrialist, Committee member Albany Farmer's Market	5	Agroecology Farming Education, Native Plant, Rain Garden and Landscapes Design	Support Talking Tree Urban Farm for an inspiring lesson in environmental education, determination and resilience. They are community and connection builders. They are visionaries and dream builders. This opens the door to learning how to master our environment and support it and ourselves. This is a lesson in resilience and determination. All of us, especially the children and youth need this knowledge as a base for building a loving relationship with nature and longevity. It's also and the same for us seasoned people too!	
1/14/2023 16:12:14	lgmorton@gmail.com	Reggie Morton	8609 Georgia Ave Kansas City, KS 66109	203-850-1005	Righteous Roots Garden, Wyco Master Gardener, KCNCM	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats		
1/14/2023 16:29:40	Edu2c2geth@gmail.com	Isidary regner	550 western aries st kansas city mo 20071	380781-1045	farm owner/artist	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design	For the love of the native environment and educational resources	
1/14/2023 16:37:49	sarahb@gmail.com	Sarah Breiby	2618 112 Sunrise Ave KCMO 64120	(913)205-7464	Bakery/panch artist at Blackhole Bakery	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design, Scouts Revival	Being involved in so many interesting projects is an honor. I really like in the East Bottoms. I see so many people that could benefit from an operation like this. We all need to embrace urban farming before it's too late. I've worked on landscaping and various city cleaning projects and I've seen how much better the city looks when people take responsibility for their own spaces. We make the better!	
1/14/2023 18:03:46	tanaycondore@gmail	Tanayni Condore	8002 Barton Ave Raytown, MO 64138	4025409231	Timeless Voyages	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design	I'm very involved in my local community and regenerative farming. I am hoping to start my own family farm very soon. I love to support friends in their farming journeys!	
1/14/2023 19:17:00	mlmchris@gmail.com	Taylor	530 Arn ave	8169201626	Claims Analyst	5	Native & Perennial tree Nursery, Plant Identification & Care, Agroecology Farming Education, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscapes Design	Nature is important and I need to learn more	

Timestamp	Email Address	Name	Address (We would like to mail you a thank-you letter)	Phone number	What is your occupation and how important is education surrounding environment for our world?	On scale from 1 to 5 how important is education surrounding environment for our community?	Check all that you are interested in learning more about	TALK TO US! Why do you support TALKING TREE URBAN FARM? Write below or attach a support letter. We are interested in hearing from you about how you support the Urban Farm to live. We appreciate and love all of you! Stay tuned for next steps!	Upload your letter or statement of support if you have one. If not - we will gladly create it!
11/14/2023 21:07:04	drew.higgins@gmail.com	Drew Higgins	1123 W 43rd St. KCMO, 64111	(913)85-2915	Owner	5	Native & Perennial Tree Nursery Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	Discovering nature and learning about all the plants and animals that surround us is especially beneficial to teaching and encouraging younger children so that they are able to begin making healthy eating habits. This would be a great asset for our local community for science and social studies curriculum field trips.	
11/14/2023 21:47:29	leahwinthley23@gmail.com	Shirley Leithrich	3405 Benares Court Washburn, MO 64224	9134999701 MO	Teacher in Baltimore	5	Agroecology Farming Education, Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	Talking Trees is imperative to the local community and beyond. With local garden and educational centers being closed all over the metro to make way for luxury housing, it's important to protect and continue this educational and vital program.	
11/15/2023 7:50:03	kenz.paine@gmail.com	Kenzi Paine	15207 W 158th Ct Overland Park, KS 66202	9134941371	Indirect connection	5	Native & Perennial Tree Nursery, Plant Identification & Care, Forage & Feast Tours, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	They bring unique education and experiences to our community that are valuable.	
11/15/2023 10:22:19	lindafroun@gmail.com	Linda Fry	1201 Wanda, Suite 200, KC mo, 64106		Perleghy	5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	because agriculture education is necessary and needed in this world!!! LOVE	
11/15/2023 11:09:55	devon.walker2@gmail.com	Devon Walker	4717 Rembrandt dr	9134243700		5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	We need to take our food back to a hyper local level, and to our culture and education from the ground up. Our communities. That's what this farm is all about.	
11/15/2023 11:59:45	bryan@cmushortcut.com	Bryan Almy	4720 Westland Dr Shawnee, KS 66218	9136025218	Business Owner	5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	Sustainability/Urban Renewal	
11/15/2023 15:03:20	stemon@bdcfarms.com	Stemon Berton	97 Jensen Pl, KCMO 64109			5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	I believe supporting avenues to local food systems is important to sustainability, if not the most important thing. I think Talking Tree Urban Farm is great example of what can be achieved. They work on a small scale, but they are able to provide a space for education and healthy foods.	
11/15/2023 20:28:48	alissamccord@gmail.com	Allison Cole	409 S 14th St.	3194312515	an exyl engineer and a business owner	5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal		
11/15/2023 21:37:01	danielaer11@vee.com	Daniela	409 S 14th St, W14th St KS	3199995641	Kansas state university	5	Native & Perennial Tree Nursery, Plant Identification & Care, Agroecology Farming Education, Sustainability Retreats, Preserves & Preservation, Native Plant, Rain Garden and Landscape Design, 5 Second Renewal	Support sustainability	



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: Special Use Petition SP2023-122

GENERAL INFORMATION

Applicant:
Andrew Mall

Status of Applicant:
Property Owner
4776 Black Swan Drive
Shawnee, KS 66216

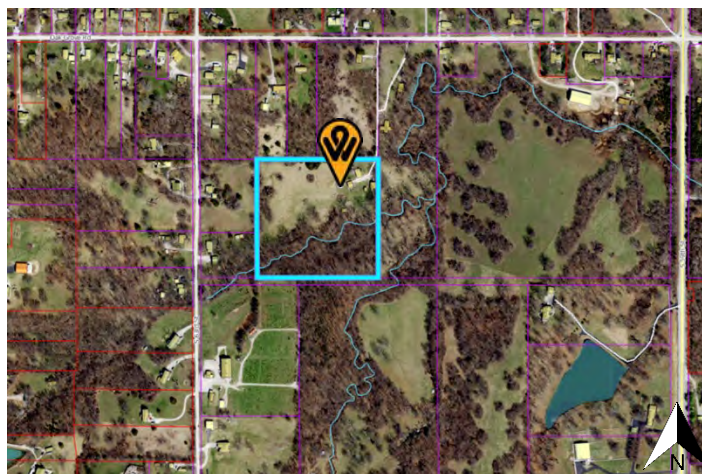
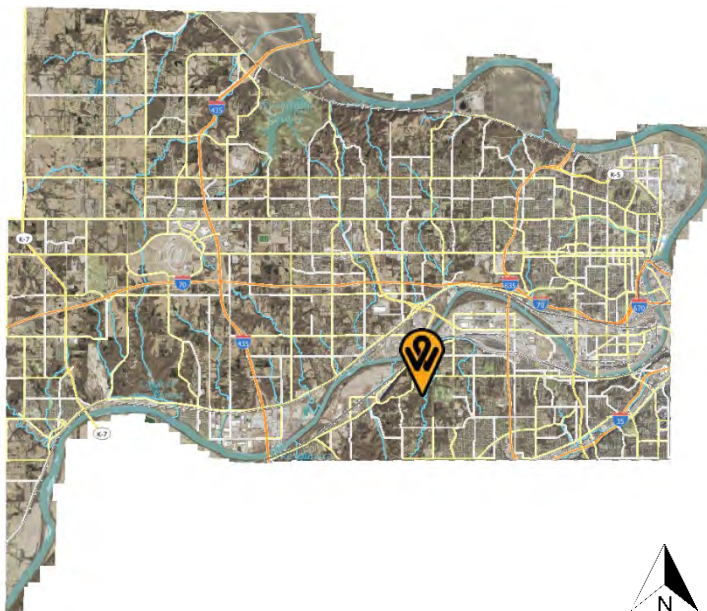
Requested Action:
Approval of a Short-Term Rental
Special Use Permit.

Date of Application:
December 27, 2023

Purpose:
To approve a Special Use Permit for
a Short-Term Rental. This is not the
applicant's primary residence.

Property Location:
6115 Oak Grove Road
Kansas City, Kansas 66106

Commission Districts:
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Philip Lopez



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-Family Residence South: Single-Family Residence East: Single-Family Residence West: Single-Family Residence
Total Tract Size:	9.85 Acres
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Rural-Density Residential, which allows for agriculture, ranches and large lot residential development.
Major Street Plan:	The goDotte Mobility Plan designates Oak Grove Road as a Local/Neighborhood Street.
Parking Requirement:	Section 27-454(e) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be covered”. The property provides ample parking with multiple covered parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	None to date.
Public Opposition:	Three (3) people appeared in opposition at the February 12, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrew Mall, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 6115 Oak Grove Road, Kansas City, Kansas, 66106. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 6100 block of Oak Grove Road.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Morris Statistical Neighborhood. The neighborhood consists of single-family residences on medium-large lots and agricultural property.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1 Single Family District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is currently occupied and had previously been operating as a short-term rental without permits.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the City-Wide Comprehensive Plan. The Comprehensive Plan designates the subject property as Rural-Density Residential, which allows for agriculture, ranches and large lot residential development. The use as a short-term rental conforms to the Comprehensive Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Oak Grove Road, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

Staff has concerns regarding the parking; The subject property utilizes an easement through another property owners property. This has the potential to create parking conflicts, as guests may not be aware of this situation and may inadvertently restrict or block access to the adjoining property owner's parking, as well as potentially increase traffic along this shared driveway, located on another property owner's property.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. Additionally, the only parking for the property utilizes a shared driveway with the adjacent property to the north via an easement through that property owner's property. This conflict has the potential to substantially or permanently injure the appropriate use, visual quality, or marketability of the adjoining property, as guests may not be aware of this situation and may inadvertently restrict or block access to the adjoining property owner's parking and will increase the amount of traffic through this property owner's property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out mostly rural neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is three (3). The maximum number of vehicles off-street is one (1). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Illumination
Noise
Operating without a Special Use Permit
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **DENIAL** of Special Use Permit Application **SP2023-122**, for the following reasons:

1. This Special Use Permit petition does not fulfill factor #6. subject property utilizes a shared driveway with the property to the north; Use as a short-term rental, a quasi-commercial use, will inherently generate more traffic through the adjoining property to the north and bring more traffic in close proximity to the property and residence to the east, and;
2. This Special Use Permit petition does not fulfill factor #7. subject property utilizes a shared driveway with the property to the north; Use as a short-term rental, a quasi-commercial use, which may negatively impact the quality, use and marketability of adjoining properties, including the property to north, with which the subject property uses to access their property as well as the property to the east, as their residence is located along this shared use driveway.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2023-122** subject to all comments and suggestions outlined in this staff report, and the reasons outlined by the City Planning Commission.

If the Board of Commissioners were to **approve** SP2023-122, Staff recommends that the following conditions apply:

1. Prior to publication of this Special Use Permit, the applicant shall provide a copy of the existing cross-access easement/agreement to staff. If one does not currently exist, one should be produced and filed with the Register of Deeds (with a copy provided to Planning + Urban Design Staff). Should an

- access easement not be produced, this petition would not be published, therefore, invalidating the Special Use Permit;
2. Any additional repairs not addressed prior to approval of SP2023-122 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
 3. Maximum number of guests shall be three (3);
 4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
 7. Applicant is to maintain liability insurance;
 8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), www.hostcompliance.com/tips (website).
 11. 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.
 12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

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

17. 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;
18. 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;
19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated January 17, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2024	February 29, 2024
Special Use	Denial	

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-122**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-122** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 3:52:32:

SPECIAL USE PERMIT APPLICATION SP2023-122 – ANDREW C. MALL -

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 6115 Oak Grove Road. Detailed Outline of Requested Action: The applicant, Andrew Mall, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 6115 Oak Grove Road, Kansas City, Kansas, 66106. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 6100 block of Oak Grove Road.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he and Mr. Mall serve on several realtor committees, and they have discussed short-term rentals at length.

Present in Support:

- Andrew Mall, applicant, 4776 Black Swan Drive, Shawnee, Kansas

The Planning Commission directed questions to the applicant.

Present in Opposition:

- Francis Howard, 6113 Oak Grove Road, Kansas City, Kansas
- Meredith Casares, 4925 Metropolitan Avenue, Kansas City, Kansas
- Aaliyah Casares, 108 North 76th Street, Kansas City, Kansas 66109

The applicant addressed comments from those in opposition.

Staff Recommendation starts at 4:07:30: Planning Director Hand stated that this is a Special Use Permit for a Short-Term Rental technically non-owner occupied. This is an example of a Short-Term Rental that was not anticipated when the Short-Term Rental Ordinance was adopted in May of 2023. While the applicant owns the property, they do not live on the property. The mother-in-law lives in the home but is not associated with the Short-Term Rental. The other issue is that Staff did not foresee a Short-Term Rental on a landlocked property requiring someone to drive through another person's property to access the proposed use. Staff is concerned that the property is being

turned into a business and customers will drive through the access easement to arrive at the Short-Term Rental. There are currently no standards for this type of operation, and this is an issue that will be considered in May 2024 when the Short-Term Ordinance is reviewed. He further stated that the property is in the PlanKCK area. Staff received no letters in support nor in opposition prior to this evening's meeting. There are no Notices of Violation on the property. Staff recommends denial due to the access issue. Staff has included conditions of approval if the Planning Commission recommends approval of this application.

Motion starts at 4:10:01:

On motion by Mr. Ernst, seconded by Ms. Easterwood, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP2023-122:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	No
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

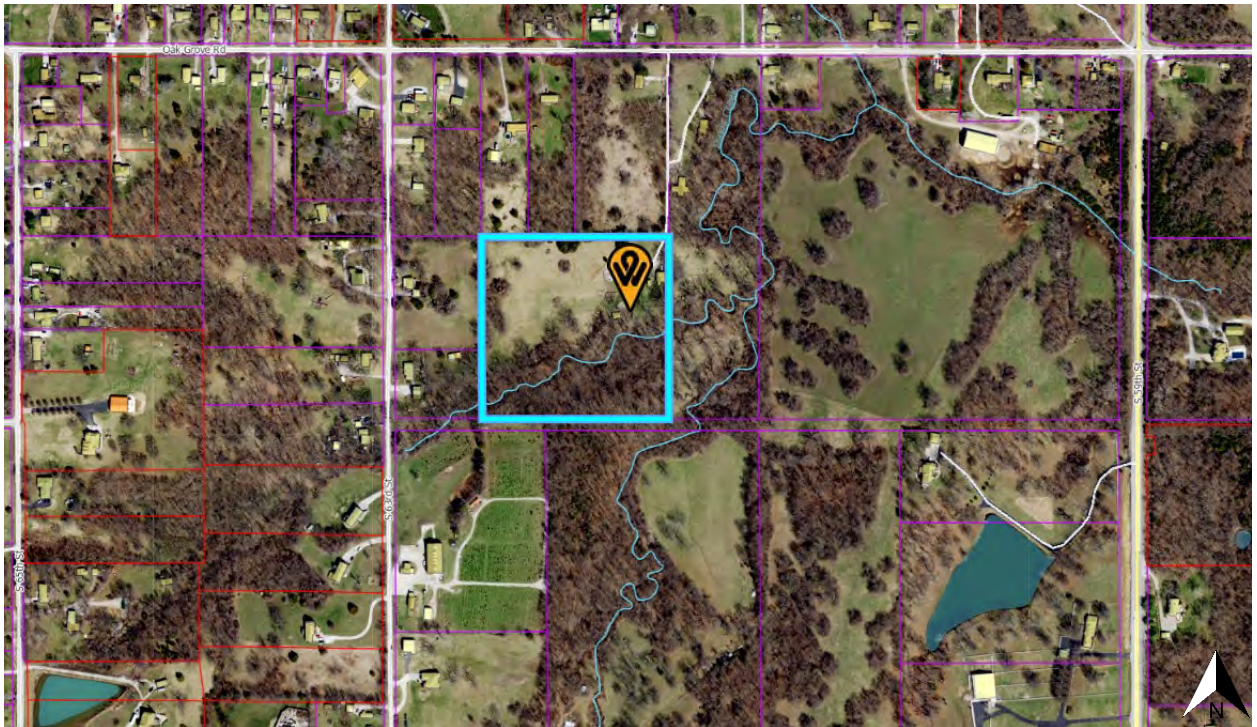
Motion to recommend DENIAL Passed: 6 to 1

For the following reasons:

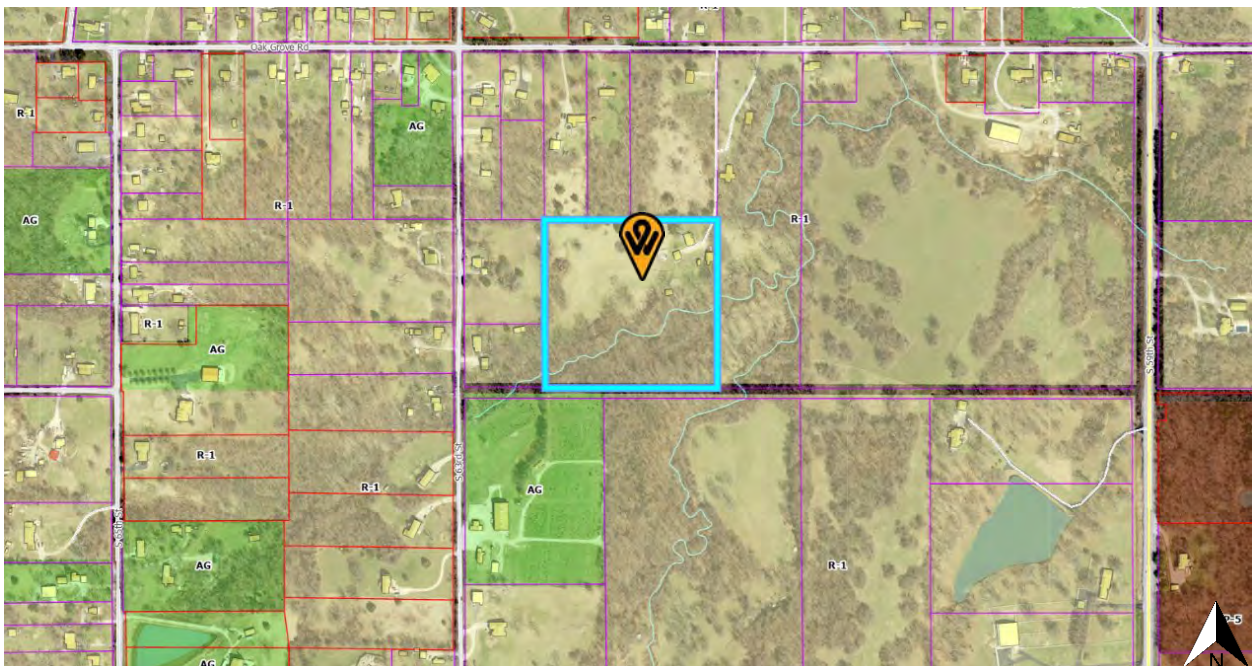
- 1. This Special Use Permit petition does not fulfill factor #6. subject property utilizes a shared driveway with the property to the north; Use as a short-term rental, a quasi-commercial use, will inherently generate more traffic through the adjoining property to the north and bring more traffic in close proximity to the property and residence to the east, and;**
- 2. This Special Use Permit petition does not fulfill factor #7. subject property utilizes a shared driveway with the property to the north; Use as a short-term rental, a quasi-commercial use, which may negatively impact the quality, use and marketability of adjoining properties, including the property to north, with which the subject property uses to access their property as well as the property to the east, as their residence is located along this shared use driveway.**

ATTACHMENTS

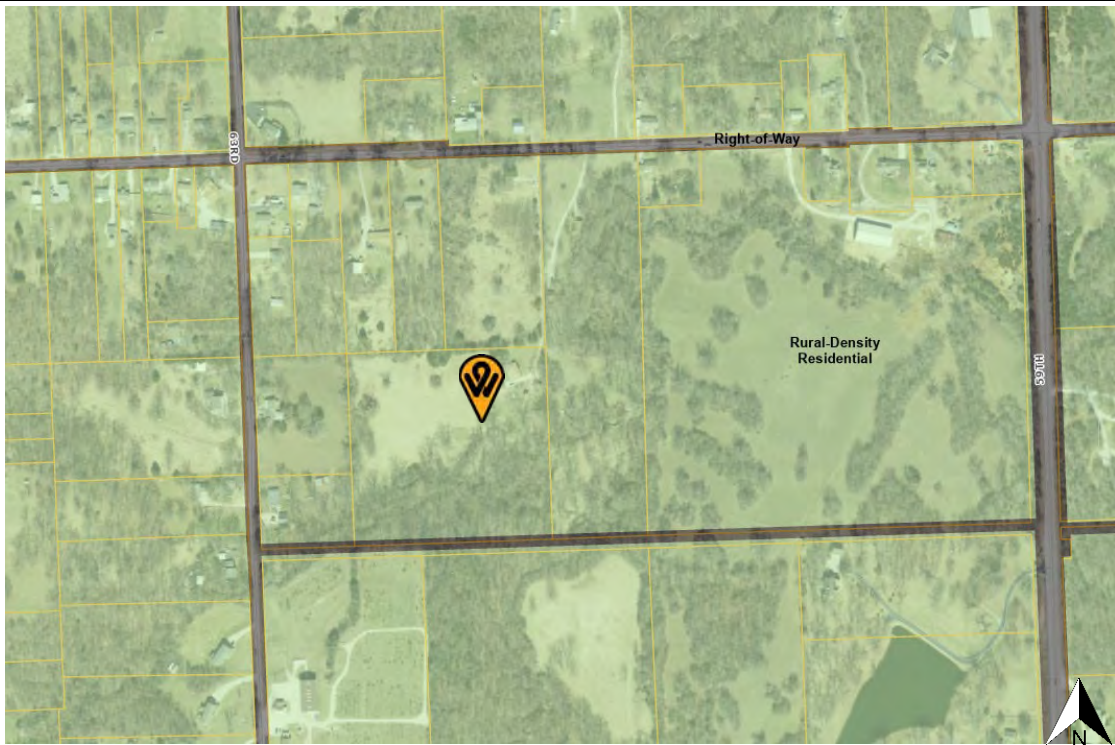
AERIAL IMAGERY



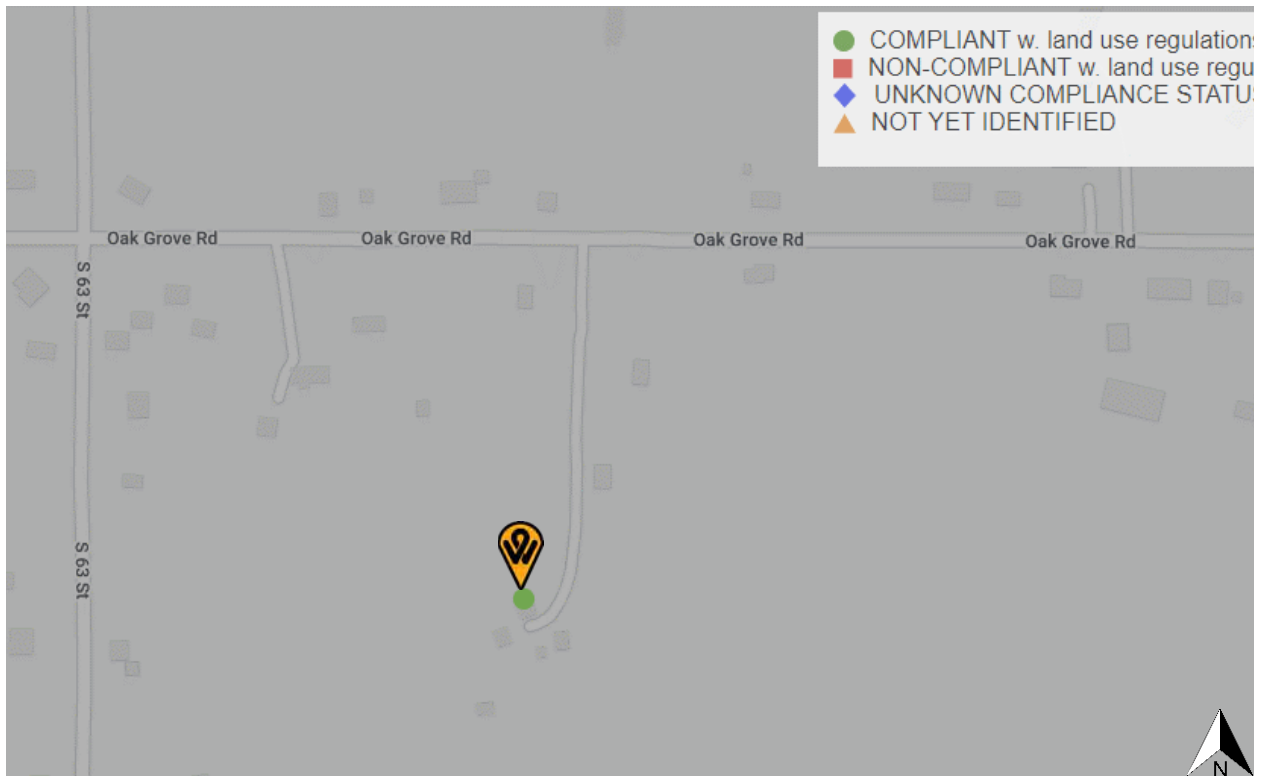
ZONING MAP



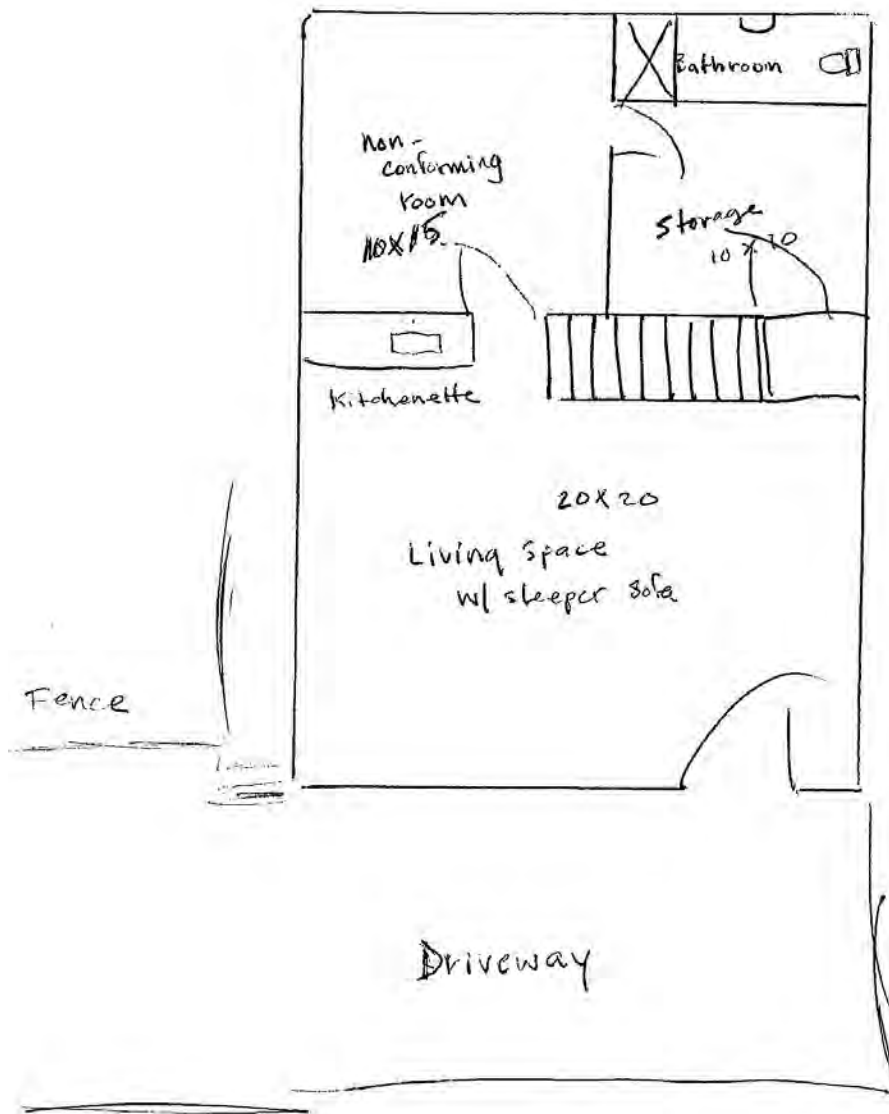
LAND USE MAP



HOST COMPLIANCE MAP – JANUARY 17, 2024



FLOOR PLAN



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Prepared for: Nicole Mall
6115 Oak Grove Rd

Inspection Key / Definitions

1. KEY TO THE INSPECTION REPORT

This report lists the systems and components inspected by this company. Items not found in this report or those marked N/A are considered beyond the scope of this inspection and should not be considered inspected at this time.

Note: This report contains technical information that may not be readily understandable to the lay person. Therefore, a verbal consultation with the inspector is a mandatory part of this inspection report. If you choose not to consult with the inspector, this inspection company cannot be held liable for your understanding or misunderstanding of this report's contents. If you were not present during the inspection or have additional questions, please call and arrange for your verbal consultation.

SYMBOL KEY

Items that have a number next to them are defined as follows:

- (1) Recommend further evaluation by a qualified and licensed structural engineer/geotechnical engineer and/ or a competent foundation contractor before inspection period ends.
- (2) Recommend evaluation and repairs as needed by a qualified licensed contractor or specialty tradesman dealing with that item or system before inspection period ends.
- (3) Recommend further evaluation for the presence of any wood destroying pests or organisms by a qualified Pest Inspector before inspection period ends.
- (4) Recommend evaluation and/or mitigation by an environmental specialist because water leakage, infiltration has occurred / is occurring or visible mold is suspected before inspection period ends.
- (5) Upgrades are recommended for safety enhancement. This building may have been built before the era of current safety standards. In the inspector's opinion, these items are generally considered to be the responsibility of the home buyer at his/her discretion.
- (6) Comments that have a (6) next to them are items or components that may warrant additional attention and/or repair at some point in time. These items are typically considered a normal and routine task of owning and maintaining a home; or they are a suggestion for future improvements and/or upgrades for the new owner. These items are often considered to be the responsibility of the home buyer, at his/her discretion. Some items needing maintenance are seasonal and can only be performed in warm weather.

RATINGS KEY

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Inspection Key / Definitions (Continued)

Acceptable Item is functional with no obvious signs

Marginal Item is not fully functional and/or shows signs of damage / deterioration. These items may require annual or corrective maintenance, repair, and/or servicing.

Defective Item is unable to perform as intended, does not meet current building standards, and/or inoperative. These items need repair, replacement and/or servicing

Not Applicable (N/A) -The item was not present in this property or it was not inspected due to weather or other restrictions at this time.

Not present Item not present / found

Not inspected Item was unable to be inspected for safety reasons or due to lack of power, inaccessible or disconnected at time of inspection.

IMPORTANT NOTICE: If any purchase decision about the property inspected would be affected by the cost of repairs, the buyer should obtain firm contractor quotations for these repairs before inspection period ends and prior to making any purchase decisions. A minimum of three (3) bids from licensed and competent contractors specializing in that trade should be reviewed prior to authorizing any repair work.

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Prepared for: Nicole Mall
6115 Oak Grove Rd

General Information

Property Information

Property Address: 6115 Oak Grove Rd
City: Kansas City State: KS Zip: 66106

Client Information

Client Name: Nicole Mall
Client Address: 6115 Oak Grove Rd
City: Kansas City State: KS Zip: 66106
Phone: (913)244-8775 Email: nicole@linkrealtykc.com
Referrer Name: No Referrer

Inspection Company

Inspector Name: Dan Christensen
Company Name: Homestead Inspection Co.
Address: 3617 E. Noland Ct.
City: Independence State: MO Zip: 64055
Phone: (816)833-1090
Email: danc.homestead@gmail.com Web: Homestead-Inspection.com
Amount Due: 370.00 Amount Received: 0.00

Conditions

Others Present: Home Owner Occupancy Status: Occupied
Estimated Age: Unknown Entrance Faces: East
Inspection Date: 09-21-23
Start Time: 12:30 PM End Time: 3:30 PM
Utilities On: Yes
Temperature: 77
Weather: Partly cloudy Soil Conditions: Dry
Space Below Grade: Basement
Building Type: Single family Garage: Detached

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6115 Oak Grove Rd

Kitchen

1. Acceptable Cabinets/Counter Tops:
 2. Marginal Sink: **Restricted view below sink (4), Typical rust /corrosion on plumbing (4)(6)**
 3. Marginal Sink: **Improper drain configuration below sink - no trap on sink drain (2)(6)**
 4. Acceptable Garbage Disposal:
 5. Marginal Cooking Appliances: Gas Range/Oven Combo - **No anti-tip bracket (5)(6)**
 6. Acceptable Microwave/Ventilation: Venthood Only
 7. Acceptable Dishwasher:
 8. Marginal Electrical: **Ungrounded 3-prong outlet at east wall, next to cabinet (2)(5)**
 9. Refrigerators, trash compactors, water conditioner/filters, and portable appliances are not examined as part of a home inspection.
- Basement Additional Kitchen Area _____
10. Acceptable Cabinets/Counter Tops:
 11. Acceptable Sink:
 12. Acceptable Electrical:

Laundry Room/Area

- Main Floor Laundry Room/Area _____
1. Hook-ups Present: 120v outlet
 2. Acceptable Plumbing:
 3. Acceptable Electrical:
 4. Laundry plumbing and electrical fixtures are not tested when appliances are installed as part of a visual inspection and are noted only to indicate their presence in the home.
- Basement Laundry Room/Area _____
5. Hook-ups Present: 120v outlet, 240v 3-prong outlet
 6. Acceptable Plumbing:
 7. Acceptable Electrical:
 8. Acceptable Dryer Vent:
 9. Laundry plumbing and electrical fixtures are not tested when appliances are installed as part of a visual inspection and are noted only to indicate their presence in the home.

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Bathroom(s)

1st Floor Hallway Bathroom

1. Marginal Toilets: **Appears to leak at base with high moisture noted at floor (2)(4)**
2. Acceptable Counter/Cabinet:
3. Acceptable Sink(s): **Restricted View below sink (6), Typical rust / corrosion on plumbing below sink (4)(6)**
4. Marginal Tub/Surround: **Caulking needed at faucet / tub spigot covers (6), Tub stopper is defective (6), Damage / deterioration to tub walls / surround - missing tiles (6)(2)(4)**
5. Defective Electrical: **Outlet should be GFCI protected (2)(5) Uncovered light fixture in closet has inadequate clearance from combustibles (2)(5)**
6. Acceptable Ventilation: Window
7. Acceptable Heat Source:
8. Marginal Floor:

Master Bathroom

9. Acceptable Toilets:
10. Acceptable Counter/Cabinet:
11. Marginal Sink(s): **Stopper is missing at right sink (6)**
12. Acceptable Sink(s): **Restricted View below sink (6), Typical rust / corrosion on plumbing below sink (4)(6)**
13. Acceptable Tub/Surround: Not fully inspected due to occupants belongings
14. Defective Electrical: **Outlet should be GFCI protected at toilet (2)(5), Light inoperable at vent fan/light combination (2)**
15. Acceptable Ventilation:
16. Acceptable Heat Source:
17. Acceptable Floor:

Basement Bathroom

18. Acceptable Toilets:
19. Acceptable Counter/Cabinet:
20. Marginal Sink(s): **Drains slowly (6)**
21. Acceptable Shower/Surround:
22. Acceptable Electrical:
23. Acceptable Ventilation: Window
24. Acceptable Heat Source:
25. Acceptable Floor:

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Prepared for: Nicole Mall
6115 Oak Grove Rd

Plumbing

1. ===MAIN SUPPLY LINE===
2. Main Water Supply: Public
3. Main Valve Located: Utility room
- 4.
5. Marginal Main Water Shutoff: Copper - Abnormal rust / corrosion on main valve (2)(4)
- 6.
7. ===VISIBLE SUPPLY LINES===
8. *Pipes are not fully visible (6)
9. Supply Line(s) Type: Galvanized, Polyethylene (PEX), Copper
- 10.
11. Acceptable Visible Supply Lines:
- 12.
13. ===VISIBLE DRAIN / VENT LINES===
14. *Verify free flowing sewer lines to city sewer lines to street / utility connection (6)
15. *Underground pipes are not inspected (6)
16. *Drain, waste, and vent pipes are not fully visible (6)
17. Waste Disposal: Private
18. Piping Types Present: ABS, PVC
- 19.
20. Acceptable Visible Drain / Waste Lines:
21. Acceptable Vent Lines:
22. Acceptable Clean-out / Service Caps:
- 23.
24. ===OUTSIDE HOSE FAUCETS===
25. Acceptable Hose Faucet: Rear - Hose still on faucet - this limits ability to inspect for leaking at the valve (6)
26. Acceptable Hose Faucet: Right Side
- 27.
28. ===FUEL SYSTEM===
29. Fuel Type: Gas Meter - Natural Gas
30. Meter / Tank Location: Not visible - suggest relocating to exterior for proper access
31. Acceptable Fuel System:
32. *The inspector does not perform any testing for gas leakage of fuel lines or fittings, however if a gas smell is detected while at the inspection site the inspector will report on them.
- 33.
34. **Private waste system may be subject to local, state, or federal regulations. Installations which were proper at time of original installation may not comply with government regulations which have been enacted since that time. Suggest private waste disposal systems are inspected by a qualified and competent state certified inspector.
- 35.

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Plumbing (Continued)

Basement Water Heater

- 36. Manufacturer: General Electric
- 37. Model Number: PG40S09AVJ00 Serial Number: GELNM401226879
- 38. Type: Natural gas Capacity: 40 Gal.
- 39. Year of Manufacture: 2012
- 40. Acceptable Water Heater Operation:
- 41. Acceptable Water Heater Operation:
- 42. Defective Flue / Vent Connector: **Undersized which may cause abnormal moisture stains / corrosion with evidence of back drafting (2)(5) - suggest installing 4"(inch) vent connector for proper ventilation (2)(5).**
- 43. Acceptable TPRV and Drain Pipe:
- 44. Marginal Thermal Expansion Tank: Not present - **Suggest installing thermal expansion tank per current building standards and manufacturers requirements (2)**
- 45.

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Prepared for: Nicole Mall
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Electrical

1. ===SERVICE ENTRANCE===
2. Service Entrance Type: Overhead
3. Main Grounding: Water Pipe
4. Acceptable Service:
- 5.
6. ===BRANCH WIRING===
7. 120v Wiring Conductor(s): Copper 240v Wiring Conductor(s): Copper
8. Wiring / Cable Types Observed: Romex
- 9.
10. Defective 120 VAC Branch Circuits: **Uncovered light has inadequate clearance from ceiling / shelving at main floor, center bedroom closet and 1st floor hallway bathroom closet(2)(5), Loose light fixture with open junction box and exposed splices noted at basement utility closet (2)(5)**

11. Marginal 120 VAC Branch Circuits: Attic - **Missing / damaged cover plate(s) noted at one or more locations (5)(6), Open junction box noted (2)(5)**

12. Marginal 120 VAC Branch Circuits: Interior - **Missing cover plate at master bedroom, right of bed (5)(6)**
13. Acceptable 240 VAC Branch Circuits:
14. Defective GFCI: **GFCI's Are not present / installed at one or more areas required per current building standards including right, rear exterior and master bedroom next to toilet - suggest installing for safety (2)(5)**
15. Acceptable Doorbell:
16. Marginal Smoke Detectors: **Suggest verifying units are less than 10 years old and/or installing new smoke detectors for safety (5)(6)**
17. Marginal Carbon Monoxide Detectors: **Suggest ensuring presence, proper installation, and units are less than 6 years old (5)(6)**
- 18.
19. ****Occupant's belongings prevent testing of all outlets and switches - check these carefully at your pre-closing walk-through.**
20. ****Have a licensed and competent electrical contractor read the report; review the system; provide information on any repairs needed prior to the end of inspections days.**

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Electrical (Continued)

- 21.
- 22. ===MAIN DISTRIBUTION/SUB-PANELS===
Basement Electric Panel _____
- 23. Panel Type: Main
- 24. Size of Panel / Service in Amperes 200
- 25. Main Disconnect: Breakers
- 26. Service / Feeder Cable Type: Aluminum
- 27.
- 28. Marginal Panel: [Unprotected openings in panel \(2\)\(5\)](#)
- 29. Marginal Breaker(s) [Breaker oversized for wire at bottom right 40 amp breaker \(2\)\(5\)](#)
- 30. Not Present AFCI: Does not appear to be installed at all applicable circuits - [Recommend installing at all habitable room circuits for safety according to current electrical standards \(2\)\(5\)](#)
- 31.

Heating System

- Main Heating System _____
- 1. Type: Forced air
 - 2. Fuel Type: Natural Gas
 - 3. Distribution: Ducts / Registers
 - 4. Location: Basement Make: York
 - 5. Model Number: TG9S080B12MP11B Serial Number: W1H3034274
 - 6. Estimated Size (BTUs) 80,000 Manufacturing Date: 2013
 - 7.
 - 8. ===COMBUSTION AIR / VENTING===
 - 9. Acceptable Combustion Air
 - 10. Acceptable Flue / Venting:
 - 11.
 - 12. ===HEATING SYSTEM CONTROLS===
 - 13. Marginal Controls: [Flex gas line is going through furnace cabinet - suggest protecting \(5\)\(6\)](#)
 - 14. Acceptable Thermostat(s):
 - 15.
 - 16. ===HEATING SYSTEM OPERATION===
 - 17. Acceptable Operation:
 - 18. **Annual Maintenance (cleaning and servicing) of heating units recommended
 - 19.
 - 20. ===DUCTS / DISTRIBUTION===
 - 21. Acceptable Ducts / Distribution:
 - 22. Marginal Filter: 20x25x1 - [Suggest cleaning / changing filter \(6\)](#)
 - 23. **Suggest heating/cooling ducts be cleaned (6)
 - 24.

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Cooling System

Main AC System

1. Type: Central Split System
2. Fuel Type: Electric
3. Location: Right Side Make: York
4. Model Number: YCJD36S41S1A Serial Number: W1H3971566
5. Estimated Size (BTUs): 36,000 Date of Manufacture: 2013
- 6.
7. ===COOLING SYSTEM CONTROLS===
8. Acceptable Electrical Disconnect:
9. Acceptable Controls:
- 10.
11. ===COOLING SYSTEM OPERATION===
12. Marginal A/C System Operation: Refrigerant line insulation is damaged / deteriorated (6)
13. Acceptable Condensate Removal:
14. Acceptable Average Temperature Difference:
15. Acceptable Blower Fan/Filters: 20x25x1 - Suggest cleaning / changing filter (6)
- 16.
17. **Annual Maintenance (Cleaning and Servicing) Recommended
- 18.
19. ===WHOLE HOUSE FAN===
20. Acceptable Wholehouse Fan Operation: 1st Floor Hallway
- 21.
22. ===CEILING FANS===
23. Defective Ceiling Fan Operation: Not operational at master bedroom (2)(6)

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Roof

Main Roof Surface

1. Type: Hip
2. Roof Slope: Medium
3. Roof Ventilation: Soffit, Roof Vents
4. Gutter Type: Metal
5. Material Type(s) Present: Asphalt shingle - Architectural
6. Method of Inspection: Walked on Roof
7. # of Layers: 1
- 8.
9. Marginal Material: **Nail pops / exposed nails (2), Typical weathering, aging, and deterioration noted (6)**
10. Defective Material: **Abnormal dips / deflections noted in roof surface with evidence of poor drainage at center, right side. Appears to be causing moisture damage to fascia and soffit below - suggest further evaluation and repair if needed (2)**



11. Marginal Flashing: **Rubber boot of plumbing vent flashing(s) is cracked / deteriorated at multiple locations (2)(4)(6)**



12. Acceptable Valleys:
13. Marginal Gutters: **Full of debris - recommend clearing for proper drainage at NW corner (6)**



14. Marginal Downspouts: **Downspout(s) partially disconnected from underground drain at - Front left corner (6), Rear left corner (6), Front right corner has damage to clay tile inlet (6)**
15. Marginal Leader/Extension: **Suggest routing all downspouts further away from building (6)**
16. ****Typical maintenance recommended-this usually consists of repair/replacement of damaged or missing shingles, repair of opens seams and/or cracks in flashings, deteriorated roof coverings, etc.**

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Roof (Continued)

17. **Prior to end of inspection period, have roof evaluated by your insurance company for confirmation of insurability.
- 18.
19. **Have a licensed and competent roofing contractor read the report; review the system; provide information on any repairs needed prior to the end of inspections days.

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Grounds

- | | |
|---------------|---|
| 1. Acceptable | Driveway: Gravel, Concrete |
| 2. Marginal | Private Walkways: Concrete - Abnormal cracks / settling (2), Damage / Deterioration (6), Could use sealing where walkway meets porch / steps (6) |
| 3. Acceptable | Retaining Walls: |
| 4. Marginal | Porch(es): Abnormal cracks / settling (2), Handrail(s) are loose (6), Masonry steps have settled away from porch (2) |
| 5. Marginal | Patio: Typical cracks / settling (6), Handrail is loose and gaps between rails are too wide for safety (5)(6) |
| 6. Marginal | Grading / Drainage: Signs of poor drainage and soil slopes toward foundation in several areas (6) |
| 7. Marginal | Window Wells: Could not fully inspect due to build up of debris (6), Suggest installing covers (6), Damage / deterioration noted on window well(s) (6), Window well(s) have settled away from structure at one or more locations (2)(6) |
| 8. Marginal | Steps/Stoops: Handrail(s) are loose (6), Damage / Deterioration (6), Masonry steps have settled away from porch (2) |

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Prepared for: Nicole Mall
6115 Oak Grove Rd

Exterior

1. ===GENERAL INFORMATION===

- 2. Exterior Walls: Wood Frame
- 3. Wall Covering(s): Plywood Panel Siding
- 4. Exterior Trim: Wood
- 5. Chimney Type(s) Present: Metal
- 6.

7. ===Exterior Foundation===

- 8. Defective Exposed Foundation Wall(s): **Abnormal cracks / movement noted at front with minor inward bowing (2)(4), Abnormal cracks / movement noted with previous repair at rear, center (2)(4)**



9.

10. ===EXTERIOR DOOR(S)===

- 11. Acceptable Entry Doors:

12.

13. ===WALL COVERING===

- 14. Marginal Siding / Wall Covering: **Overdriven / protruding nails (4)(6), Siding has inadequate clearance from roofing materials at left side above soffit (2)(4), Abnormal cracks / movement noted in masonry veneer at one or more locations (2)**



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Exterior (Continued)

15. Marginal Siding / Wall Covering: Minor moisture damage / deterioration noted at one or more areas (4)(6), Caulking / sealing needed where masonry veneer meets unlike materials at top, right corner of front picture window (4)(6)



16.

17. ===TRIM / SOFFIT / FASCIA===

18. Marginal Trim: Minor moisture damage / deterioration noted at several areas (4)(6)

19. Defective Fascia: Moisture damage noted at left side and several other areas (2)(4)(6)



20. Marginal Fascia: Minor moisture damage / deterioration noted at front, right corner and several other areas (4)(6)

21. Defective Soffit: Moisture damage noted at center, left side (2)(4)(6)



22.

Center of Roof Chimney

23. Acceptable Chimney:

24. Marginal Flue/Flue Cap: Metal - Flue is rusty and deteriorated (2)(6)

25. Acceptable Chimney Flashing:

26. **Although we attempt to determine if flues are dirty or damaged. However, most flues are not fully visible and therefore not fully inspected during a visual home inspection. Recommend having a full evaluation of chimneys / flues by a competent chimney sweep prior to the end of inspection days (2)

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6115 Oak Grove Rd

Interior

1. ===GENERAL INFORMATION===
2. Window Type(s): Vinyl Thermal Pane
3. Interior Walls: Plaster
4. Interior Ceilings: Drywall
- 5.
6. ===INTERIOR DOORS===
7. Acceptable Door(s):
8. **Screen / Storm doors are not part of the inspection (6)
- 9.
10. ===WINDOWS===
11. Acceptable Window(s)
12. **Furnishings/occupants belongings prevent full inspection-do a careful check at your pre-closing walk-through (6)
13. **Only certain changes in weather can show loss of thermal seal. Thermal-paned windows may not show this loss at the time of inspection (6)
14. **Screens / Storm windows are not part of the inspection (6)
- 15.
16. ===INTERIOR STAIRS / HANDRAILS===
17. Marginal Stairs / Handrails Handrail loose (5)(6), Limited headroom / hazard due to low ceiling height at basement staircase (5)(6)
- 18.
19. ===INTERIOR WALLS===
20. Acceptable Wall(s)
21. **Furnishings / occupants belongings prevent full inspection-do a careful check at your pre-closing walk-through (6)
- 22.
23. ===CEILINGS===
24. Acceptable Ceiling(s)
25. **Furnishings / occupants belongings prevent full inspection-do a careful check at your pre-closing walk-through (6)
- 26.
27. ===FLOORS===
28. Acceptable Floor(s)
29. **Furnishings / occupants belongings prevent full inspection-do a careful check at your pre-closing walk-through (6)
- 30.
31. **Lead Paint Disclosure: Any home built prior to 1978 could contain lead-based paint. This is considered a health hazard, especially to children. If this is a concern, we recommend having the paint tested by a competent and licensed environmental specialist.
- 32.

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Prepared for: Nicole Mall
6115 Oak Grove Rd

Attic

Main Attic

1. Attic Description: Full
2. Roof/Ceiling Frame: Rafter / Ceiling Joists
3. Method of Inspection: Limited to view from access - inspection limited
4. Insulation Type: Loose / Blown Average Depth (Inches): 9-12
- 5.
6. Acceptable Attic Cavity:
7. Acceptable Roof Framing / Sheathing:
8. Acceptable Ventilation:
9. Marginal Insulation: [Recommend more insulation to meet current standards \(6\)](#)
10. Marginal Bathroom Fan Venting: Fans appear to be venting into attic - [Improperly vents into attic and may cause condensation / moisture deterioration \(4\)\(6\)](#)

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Prepared for: Nicole Mall
6115 Oak Grove Rd

Foundation

1. ===GENERAL INFORMATION===
2. Foundation Type: Basement
3. Foundation Walls: Concrete
4. Foundation Floors: Concrete
5. Sub-floor System / Beam(s): 2x10 Floor Joists
6. Support Posts / Columns: Steel
7. Observed By: Fully Entered
- 8.
9. ===VISIBLE FOUNDATION COMPONENTS===
10. Acceptable Wall(s):
11. Marginal Wall(s):
12. **Unable to fully inspect foundation walls due to: Finished materials
13. Acceptable Floor/Slab:
14. **Unable to fully inspect foundation floors due to: Finished materials
15. Acceptable Support Framing / Sub-floor:
16. **Unable to fully inspect framing / sub-floor / support system due to: Finished materials
17. Acceptable Water Entry:
18. Acceptable Radon Mitigation System:
19. **Have a licensed and competent foundation contractor read the report; review the system; provide information on any repairs needed prior to the end of inspections days.
20. **The inspection is limited due to the lack of full access to all structural components and/or mechanical systems

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NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Johnson } SS:

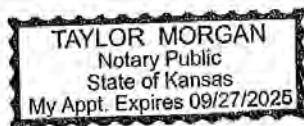
Comes now Andrew Mall, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-122
2. That I conducted a neighborhood meeting on 1/28/2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Andrew Mall
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of January, 2024.
My commission expires 27 of September, 2025.



Taylor Morgan
Notary Public

Neighborhood Meeting

1/28/2024

Re: Short Term Rental Special Use Permit

Attendees: Andrew Mall, Ellen Huls, Adam Parris, Don Lawrence

Adam Parris asked a couple of questions about what type of tenant is attracted to a short term rental.

Ellen Huls asked a couple of questions about pets being allowed and if there were any rules in place.









Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: **Petition PR2023-044 and Master Plan Amendment MPL2023-020**

GENERAL INFORMATION

Applicant:
Kelly Winkel

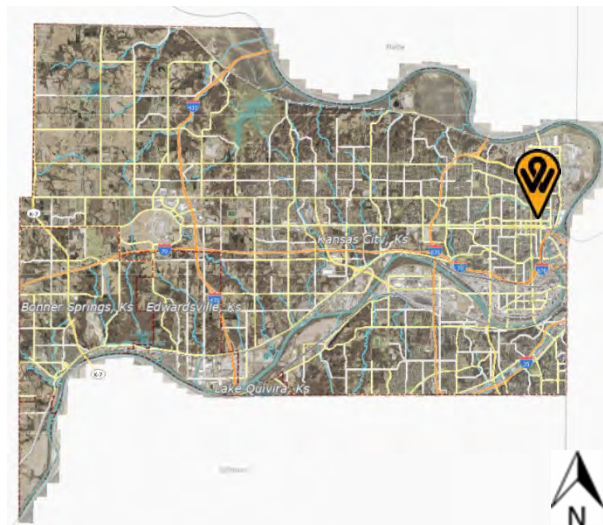
Status of Applicant:
Representative
PGAV Architects
1900 West 47th Place
Westwood, KS 66205

Requested Action:
Approval of a Preliminary Development Plan and Master Plan Amendment from Downtown Mixed Use and Urban Residential to Civic (Downtown Area Plan).

Need a Final Plat or Vacation to vacate right-of-way.

Date of Application:
December 29, 2024

Purpose:
To build a 96,700 square foot Kansas City Kansas Community College downtown campus with a Community Education, Health and Wellness Center, and drive-thru ATM.



Property Location:	1101 North 7 th Street Trafficway Kansas City, KS 66101
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #2 Commissioner: William (Bill) Burns
Existing Zoning:	C-D Central Business District
Adjacent Zoning:	North: C-D Central Business District South: C-D Central Business District East: C-D Central Business District West: C-D Central Business District
Adjacent Uses:	North: Turtle Hill Townhomes South: Town House apartments and parking garage East: Office building West: KCKPD parking lot and office building
Total Tract Size:	4.11 Acres
Area Plan:	Downtown Area Plan
Area Plan Designation:	The Downtown Area Plan designates this property as Downtown Mixed-Use and Urban Residential. Downtown Mixed-Use allows multi-story buildings with commercial/retail uses at street level preferred, with office uses and some residential uses above. Urban Residential allows higher density residential, 12 units per acre or greater, in an urban format (typically attached units – townhomes/stacked flats), detached patio homes/zero lot lines or single-family homes may be acceptable based on upon density, design and location. Institutions including schools and churches would be allowed within the urban residential land use designation. A Master Plan Amendment is being sought to Civic Space, which allows uses dedicated to public buildings and sites that have local, state and federal governmental functions or serve a public function.
Major Street Plan:	The Major Street Plan classifies 7 th Street and State Avenue as Class B Thoroughfares, North 6 th Street as a Class C Thoroughfares and Nebraska Avenue as a Local Street.
Required Parking:	Sec. 27-465(f)(1) states uses in this district need not provide off-street parking, except that residential occupancies shall provide not less than one (1) off-

street parking space for each dwelling unit, and hotels shall provide one (1) off-street parking space for each room. Such parking spaces shall be paved and shall be on the premises or off the premises within 200 feet of the main entrance to the building served. For this development, zero (0) off-street parking spaces are required. The applicant is providing 123 parking spaces.

Advertisement:	Property Owner Letters – January 19, 2024 <u>Wyandotte Echo</u> – January 18, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	One (1) person appeared in support at the February 12, 2024, City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kelly Winkel, with PGAV Architects, wants to build a 96,700 square foot Kansas City Kansas Community College downtown campus with a Community Education, Health and Wellness Center, and drive-thru ATM on 4.11 acres.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 10220-00737 – Graffiti – May 4, 2010.
2. Numerous violations between 2018 – 2020 for weeds, trash, debris, unfit building, windows rotting, fascia repair, building painting and roof repair – 1101 North 7th Street.

Outstanding or Related Permits and Cases:

1. CA2021-019 – Certificate of Appropriateness from the Landmarks Commission to demolish the Historic Landmark – 7th Street Methodist Episcopal Church on November 1, 2021.

3. BOZA 2073 – Variance for building setbacks and non-vehicular open space approved by the Board of Zoning Appeals on November 12, 2012.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

These parcels are in the downtown core, as defined in the Downtown Area Plan. The area is bounded on the east by office buildings and the Federal Courthouse, Crossline Towers and a parking garage to the south, KCKPD and commercial buildings to the west, Turtle Hill Townhomes to the north.

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

The proposed development, a 96,700 square foot building, will substantially increase traffic on 6th Street, 7th Street, Nebraska and State Avenue. The Traffic Impact Study is being analyzed and reviewed by Planning Engineering and Public Works. Sidewalk improvements for pedestrians will be implemented linking the front entrances to the sidewalks at North 6th Street and Nebraska Avenue, North 7th Street & Nebraska Avenue, and North 7th Street and State Avenue.

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

The proposed use does not conform to the Downtown Area Plan, allows multi-story buildings with commercial/retail uses at street level preferred, with office uses and some residential uses above. Urban Residential allows higher density residential, 12 units per acre or greater, in an urban format (typically attached units – townhomes/stacked flats), detached patio homes/zero lot lines or single-family homes may be acceptable based on upon density, design and location. Institutions including schools and churches would be allowed within the urban residential land use designation.

A Master Plan Amendment is being sought to Civic, which allows uses dedicated to public buildings and sites that have local, state and federal governmental functions or serve a public function. Ancillary uses such as banks, health clinics and ATMs are permitted on post-secondary campuses (i.e. community colleges and four (4) year universities).

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by the East Patrol, District #111.

e. Fire

Fire service is provided by Station #1 located off 6th Street and Armstrong Avenue.

f. Transit

Kansas City ATA provides transit service at the 7th Street and Minnesota Avenue intersection, Routes #102, #103, #104, #106, and #107.

g. Schools

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

5. The capability of the proposed use to meet applicable ordinance and other requirements.

With revisions to the site plan, landscape plan, and building elevations the proposed use is capable of meeting applicable ordinance and other requirements.

PREVIOUS ACTIONS

- CA2021-019 – Certificate of Appropriateness from the Landmarks Commission to demolish the Historic Landmark – 7th Street Methodist Episcopal Church at 1101 North 7th Street on November 1, 2021.
- BOZA 2073 – Variance for building setbacks and non-vehicular open space at 645 Nebraska Avenue approved by the Board of Zoning Appeals on November 12, 2012.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Downtown Area Plan
Pedestrian Connectivity
Transit Access
Fire Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 2 to recommend **APPROVAL** of Master Plan Amendment **MPL2023-020** and Plan Review Application **PR2023-044**, subject to:

1. **A Preliminary Plat or Vacation application shall be submitted to vacate the alley in between State Avenue and Nebraska Avenue;**
2. **Because this parcel is designated as a Local Historic Landmark, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org;**
3. **Previous Conditions of Approval of CA2021-019:**
 - a. **The foundation stones, pews, stained glass, timbers, and red bricks be preserved and repurposed in a manner as described by the applicant in their proposal (and reflected in this report) and consistent with the final determinations of the HPDB;**
 - b. **As the applicant is proposing to demolish a historic landmark, the applicant must, regardless of cost, hire a certified historic preservationist who will document the entirety of the building and grounds and identify any and all significant archeological resources before a demolition permit can be issued;**
 - c. **No demolition permit for the building, portion of the building, or the site shall be granted until the funding goal for construction of the new KCKCC Downtown campus/DCEHWC has been met, all planning entitlements have been granted, and all relevant building permits have been issued;**
 - d. **Historic preservation efforts as identified by the applicant shall be undertaken, including, but not limited to, the integration of historic artifacts into the design of the proposed building, the naming and use of the conference room within the building by the HPDB;**
 - e. **The applicant and the KCKCC must establish a historic preservation and design board ("HPDB" or "Board"). A Certificate of Appropriateness cannot be granted until HPDB members are**

selected, and rules of operation are established. The following conditions shall apply to the HPDB:

- i. Members of the Board must include members of the Landmarks Commission, Department of Planning & Urban Design, members representing organizations such as KCKCC, KCKCC's President's Downtown Advisory Council, KCK's downtown community, and other appropriate representatives;
 - ii. The Board will be updated on the findings of the historic preservationist assigned with documenting the Seventh Street Methodist Episcopal Church, South Historic Landmark;
 - iii. The HPDB will have authority identify design elements for the proposed building as they relate to the preservation, incorporation, and display of features or elements of the Historic Landmark, and to make such recommendations to the DCEHWC Owners Condominium Association Board, with which reasonable recommendations will not be withheld;
 - iv. The Board may identify historic preservation deliverables and present said deliverables to the KCKCC for incorporation into the historic preservation course; and,
 - v. The Board will not be dissolved until after all elements of design and incorporation have satisfactorily been incorporated into the design of the proposed building and all building permits and a full Certificate of Occupancy has been successfully issued for the building; and,
 - f. The proposed sculpture, "Destiny", or a reasonably similar sculpture piece must be incorporated into the DCEWHC campus, along with other artwork from the local community and in representation of the history and heritage of the Historic Landmark, the Downtown, and Kansas City, Kansas in general; and,
 - g. The applicant must provide a Historic Structure Report for the Seventh Street Methodist Episcopal Church, South Historic Landmark. The Historic Structure Report must provide the documentary, graphic, and physical information about the history and existing condition of the building, the goals for the use or re-use of the property, a proposed treatment approach, a scope of work, and must be updated as work commences to record the processes undertaken and the changes made;
4. Sec. 27-465(d)(1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled, or service rendered which cannot be accommodated within a building. The Concrete Yard and Dirt Yard appear to be open to the elements and kept outside;
 5. Sec. 27-465(d)(2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood;

6. Sidewalks within the campus need to tie into each other;
7. The sidewalk on the east side of the Willa Gill building shall connect to the sidewalk on Nebraska Avenue;
8. Align the sidewalk north of the concrete yard to the ADA spaces behind the main campus building to establish a complete pedestrian connection;
9. Install crosswalk throughout the proposed vacated alley where sidewalks are perpendicular to each other;
10. Repaint all crosswalks at the following intersections: 6th Street and Nebraska Avenue, 7th Street and Nebraska Avenue and 7th Street and State Avenue;
11. Lighting cannot exceed one (1) footcandle at the property line;
12. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
13. Per the Downtown Area Plan Design Guidelines, large wall and roof planes visible from the public streets should be broken up by small offsets or architectural details. Street wall planes over 750 square feet should have offsets and overhangs, window bays, or other ornamentation to break up the plane. Street-side roof planes greater than 500 square feet should be broken up by dormers, compound and intersecting planes, or other appropriate treatments;
14. Per the Downtown Area Plan Design Guidelines, building materials or applications such as Divet, EFIS, stucco wood/vinyl/metal siding, or hardy board should not occur on the first floor of any structures. Such materials and applications are acceptable as secondary accent materials on upper stories of buildings in the area;
15. The proposed garage/overhead doors shall match the adjacent exterior building façade color;
16. The drive-through ATM pad site needs to comply with the [Commercial Design Guidelines](#). Review [Sec. 27-575](#) and [Sec. 27-577](#) and if these standards cannot be met, the applicant must request specific deviations from the City Planning Commission;
17. Downspouts shall be internalized;
18. Per the Downtown Area Plan, Balanced Streets 7th Street and State Avenue require an amenity zone (light poles and street trees) between the back of curb and pedestrian zone. 7th Street needs street trees between State Avenue and Nebraska Avenue to comply with this standard;
19. Install landscape plantings in the green space in the southwest corner of the development, north of the crosswalk on the east side of 7th Street;
20. 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;
21. All landscaping shall be irrigated;
22. 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;

All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;

23. All electrical meter banks, typically on the side of the building shall be screened from public view;
24. 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;
25. 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;
26. Regarding the BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers;
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10-foot clearance from pad when gate door is open;
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in front;
 - d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat;
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
27. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
28. All existing and future driveways must feature curb cuts that are constructed to UG standards;
29. 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;
30. Subject to approval, the tenant(s) will need to file and maintain a current occupation tax application with the Business Licensing Division. We are located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or businesslicense@wycokck.org;
 31. 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;
 32. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy; and,
 33. Following the Final Development Plan, Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **PR2023-044** and **MPL2023-020** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Downtown Area Plan Land Use Map
Historic Landmark and District Map
KCKFD Comment Letter
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Building Elevations
Site Photographs taken on January 12, 2024

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Preliminary Plan	February 12, 2024 Approval	February 29, 2024
Master Plan Amendment	February 12, 2024 Approval	February 29, 2024

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-020** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-020** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Preliminary Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-044** as meeting all the requirements of the city code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2023-044**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 4:32:50:

PLAN REVIEW APPLICATION PR2023-044 – KELLY WINKEL - SYNOPSIS:

Preliminary Development Plan for the KCKCC Downtown Campus at 645 Nebraska Avenue, 1101 North 7th Street, and 600, 612, 624, 632 and 646 State Avenue.

MASTER PLAN AMENDMENT APPLICATION MPL2023-020 – KELLY WINKEL - SYNOPSIS: Master Plan Amendment from Downtown Mixed-Use (Downtown Area Plan) to Civic (Downtown Area Plan) to construct the KCKCC Downtown Campus at 645 Nebraska Avenue, 1101 North 7th Street, and 600, 612, 624, 632 and 646 State Avenue.

Detailed Outline of Requested Action: The applicant, Kelly Winkel, with PGAV Architects, wants to build a 96,700 square foot Kansas City Kansas Community College downtown campus with a Community Education, Health and Wellness Center, and drive-thru ATM on 4.11 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo for the Master Plan Amendment; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application.

Present in Support:

- Peter Ho, representing the applicant and property owners, Community America Credit Union and Kansas City, Kansas Community College
- Melissa Williams, 626 Everett Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:40:11: Planning Director Hand stated that these applications are for the downtown campus for the Kansas City, Kansas Community College. The property is in the Downtown Area Plan. Before this evening staff received no letters in support nor opposition. There are some older Notices of Violation related to the vacancy of these other properties all of which would be addressed by the proposed redevelopment. Staff recommends approval subject to the conditions in the staff report. It was noted that a plat or vacation needed to occur in order to vacate the alleyway. That application has been submitted and will be heard as soon as March 2024. A final development plan will be required before a building permit can be issued. A new Certificate of Appropriateness (COA) will also be required. The current COA they received was for the demolition of the buildings, including the church. The property that the church sits on is still designated as a Historic Landmark thus requiring the new COA for the building permits. Some of the items in Condition #3 have already been met and some have not and that is why the condition is still included.

Motion starts at 4:42:21:

On motion by Ms. Easterwood, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2023-020:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	No
Armstrong	Aye
Beth	No
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Motion to recommend **APPROVAL** Passed: 5 to 2

Subject to:

1. **A Preliminary Plat or Vacation application shall be submitted to vacate the alley in between State Avenue and Nebraska Avenue;**
2. **Because this parcel is designated as a Local Historic Landmark, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org;**
3. **Previous Conditions of Approval of CA2021-019:**
 - a. **The foundation stones, pews, stained glass, timbers, and red bricks be preserved and repurposed in a manner as described by the applicant in their proposal (and reflected in this report) and consistent with the final determinations of the HPDB;**
 - b. **As the applicant is proposing to demolish a historic landmark, the applicant must, regardless of cost, hire a certified historic preservationist who will document the entirety of the building and grounds and identify any and all significant archeological resources before a demolition permit can be issued;**
 - c. **No demolition permit for the building, portion of the building, or the site shall be granted until the funding goal for construction of the new KCKCC Downtown campus/DCEHWC has been met, all planning entitlements have been granted, and all relevant building permits have been issued;**
 - d. **Historic preservation efforts as identified by the applicant shall be undertaken, including, but not limited to, the integration of historic artifacts into the design of the proposed building, the naming and use of the conference room within the building by the HPDB;**
 - e. **The applicant and the KCKCC must establish a historic preservation and design board ("HPDB" or "Board"). A Certificate of Appropriateness cannot be granted until HPDB members are selected, and rules of operation are established. The following conditions shall apply to the HPDB:**
 - i. **Members of the Board must include members of the Landmarks Commission, Department of Planning & Urban Design, members representing organizations such as**

KCKCC, KCKCC's President's Downtown Advisory Council, KCK's downtown community, and other appropriate representatives;

- ii. The Board will be updated on the findings of the historic preservationist assigned with documenting the Seventh Street Methodist Episcopal Church, South Historic Landmark;
 - iii. The HPDB will have authority identify design elements for the proposed building as they relate to the preservation, incorporation, and display of features or elements of the Historic Landmark, and to make such recommendations to the DCEHWC Owners Condominium Association Board, with which reasonable recommendations will not be withheld;
 - iv. The Board may identify historic preservation deliverables and present said deliverables to the KCKCC for incorporation into the historic preservation course; and,
 - v. The Board will not be dissolved until after all elements of design and incorporation have satisfactorily been incorporated into the design of the proposed building and all building permits and a full Certificate of Occupancy has been successfully issued for the building; and,
 - f. The proposed sculpture, "Destiny", or a reasonably similar sculpture piece must be incorporated into the DCEWHC campus, along with other artwork from the local community and in representation of the history and heritage of the Historic Landmark, the Downtown, and Kansas City, Kansas in general; and,
 - g. The applicant must provide a Historic Structure Report for the Seventh Street Methodist Episcopal Church, South Historic Landmark. The Historic Structure Report must provide the documentary, graphic, and physical information about the history and existing condition of the building, the goals for the use or re-use of the property, a proposed treatment approach, a scope of work, and must be updated as work commences to record the processes undertaken and the changes made;
- 4. Sec. 27-465(d)(1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled, or service rendered which cannot be accommodated within a building. The Concrete Yard and Dirt Yard appear to be open to the elements and kept outside;
 - 5. Sec. 27-465(d)(2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood;
 - 6. Sidewalks within the campus need to tie into each other;
 - 7. The sidewalk on the east side of the Willa Gill building shall connect to the sidewalk on Nebraska Avenue;

8. Align the sidewalk north of the concrete yard to the ADA spaces behind the main campus building to establish a complete pedestrian connection;
 9. Install crosswalk throughout the proposed vacated alley where sidewalks are perpendicular to each other;
 10. Repaint all crosswalks at the following intersections: 6th Street and Nebraska Avenue, 7th Street and Nebraska Avenue and 7th Street and State Avenue;
 11. Lighting cannot exceed one (1) footcandle at the property line;
 12. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
 13. Per the Downtown Area Plan Design Guidelines, large wall and roof planes visible from the public streets should be broken up by small off-sets or architectural details. Street wall planes over 750 square feet should have offsets and overhangs, window bays, or other ornamentation to break up the plane. Street-side roof planes greater than 500 square feet should be broken up by dormers, compound and intersecting planes, or other appropriate treatments;
 14. Per the Downtown Area Plan Design Guidelines, building materials or applications such as Divet, EFIS, stucco wood/vinyl/metal siding, or hardy board should not occur on the first floor of any structures. Such materials and applications are acceptable as secondary accent materials on upper stories of buildings in the area;
 15. The proposed garage/overhead doors shall match the adjacent exterior building façade color;
 16. The drive-through ATM pad site needs to comply with the [Commercial Design Guidelines](#). Review [Sec. 27-575](#) and [Sec. 27-577](#) and if these standards cannot be met, the applicant must request specific deviations from the City Planning Commission;
 17. Downspouts shall be internalized;
 18. Per the Downtown Area Plan, Balanced Streets 7th Street and State Avenue require an amenity zone (light poles and street trees) between the back of curb and pedestrian zone. 7th Street needs street trees between State Avenue and Nebraska Avenue to comply with this standard;
 19. Install landscape plantings in the green space in the southwest corner of the development, north of the crosswalk on the east side of 7th Street;
 20. 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;
 21. All landscaping shall be irrigated;
 22. 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;
- All utility connections, this includes green electrical boxes and free-

- standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
23. All electrical meter banks, typically on the side of the building shall be screened from public view;
24. 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;
25. 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;
26. Regarding the BPU transformer screening, the following applies:
- a. Gate doors are required for all types of screening that are placed in front of the transformers;
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10-foot clearance from pad when gate door is open;
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in front;
 - d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat;
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
27. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
28. All existing and future driveways must feature curb cuts that are constructed to UG standards;
29. 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;
30. Subject to approval, the tenant(s) will need to file and maintain a current occupation tax application with the Business Licensing Division. We are

located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or businesslicense@wycokck.org;

31. 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;
32. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy; and,
33. Following the Final Development Plan, Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

On motion by Ms. Easterwood, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review**

Application PR2023-044:

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	No
Armstrong	Aye
Beth	No
Easterwood	Aye

Ernst Aye
Jones Aye
Miller Not Present
Mohler Not Present
Motion to recommend **APPROVAL** Passed: 5 to 2
Subject to the above conditions.

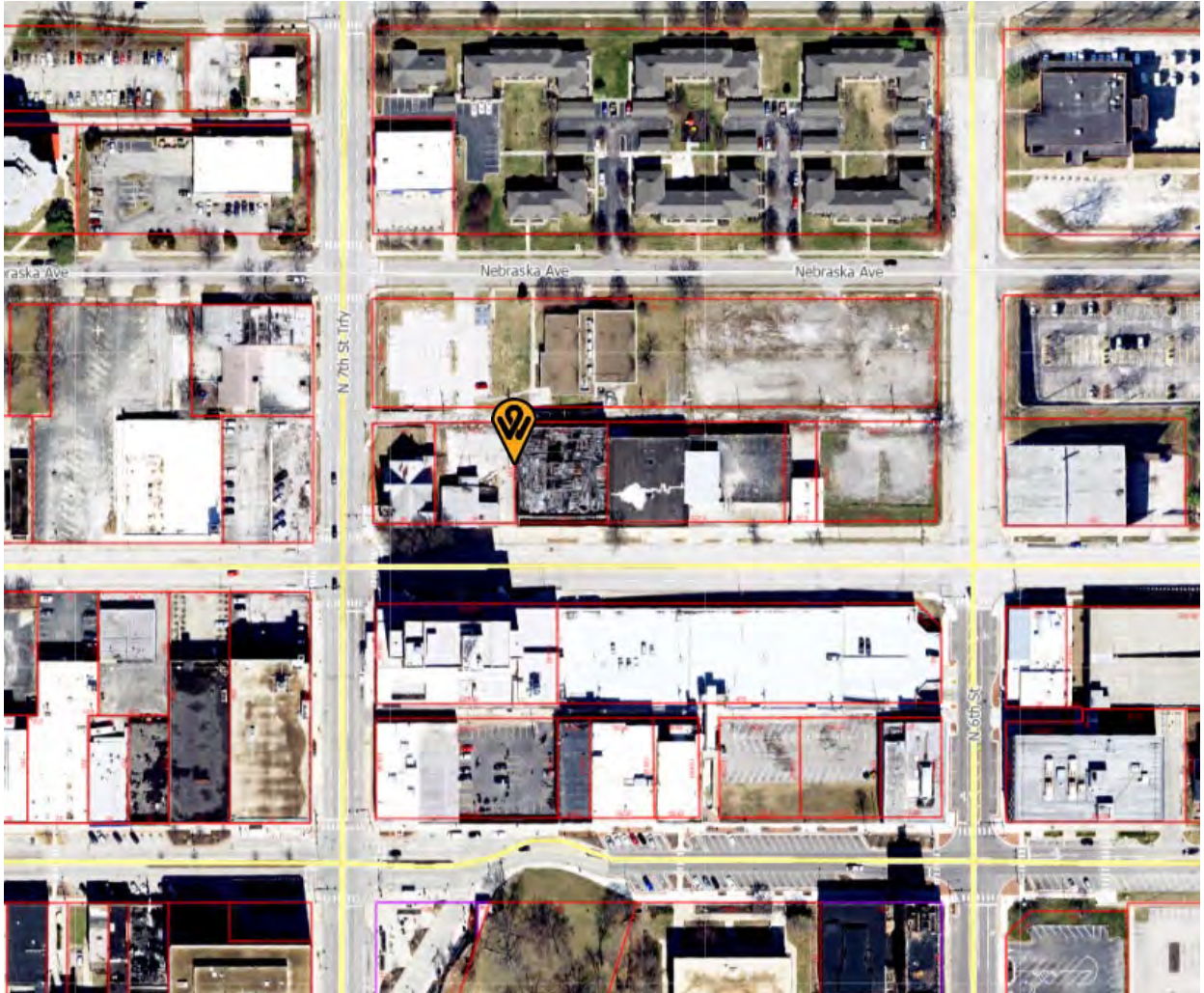


Figure 1. Aerial Photograph of proposed site for the KCKCC Downtown Campus (provided by UG Maps).

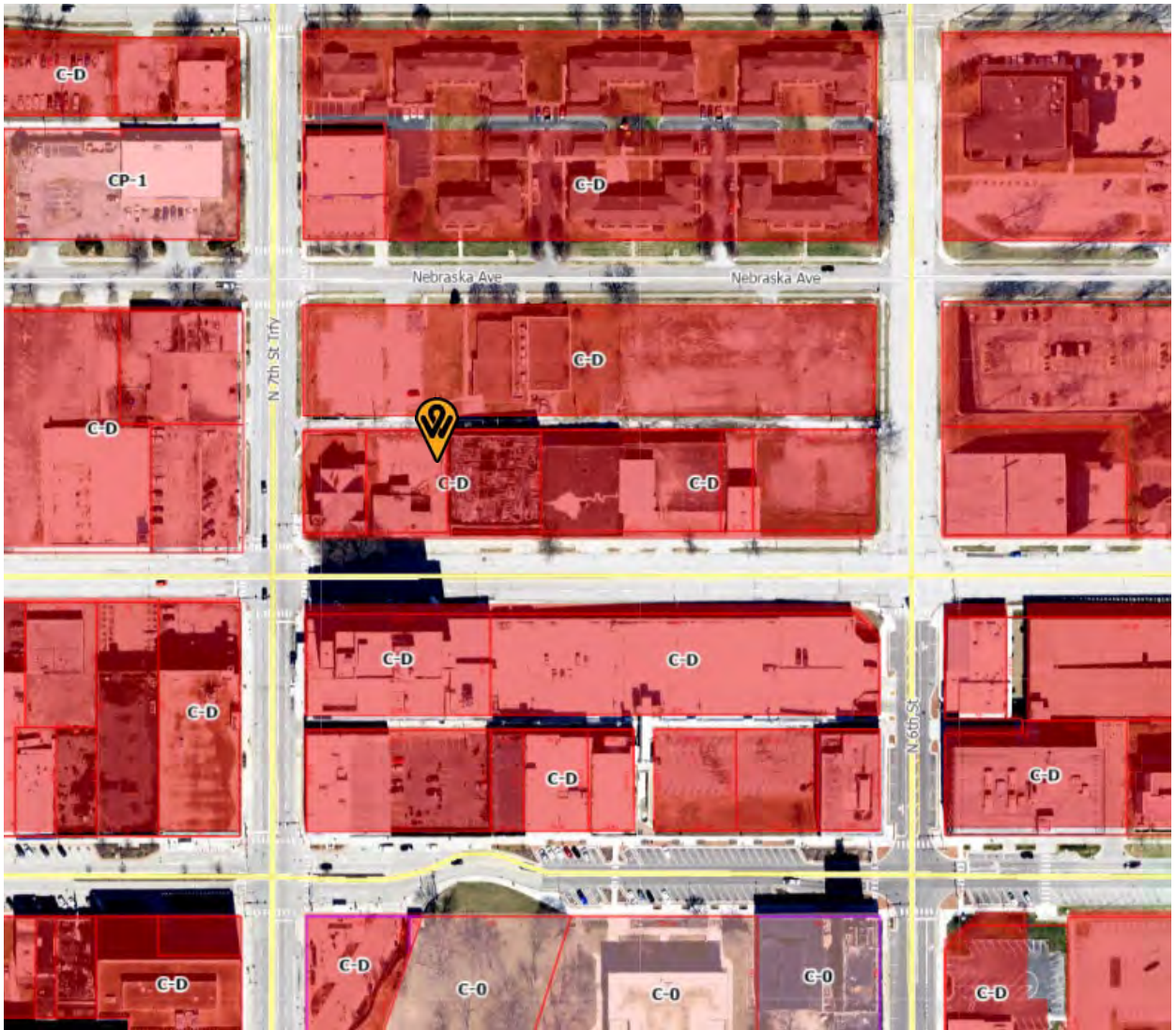


Figure 2. Zoning Map of proposed site for the KCKCC Downtown Campus (provided by UG Maps).

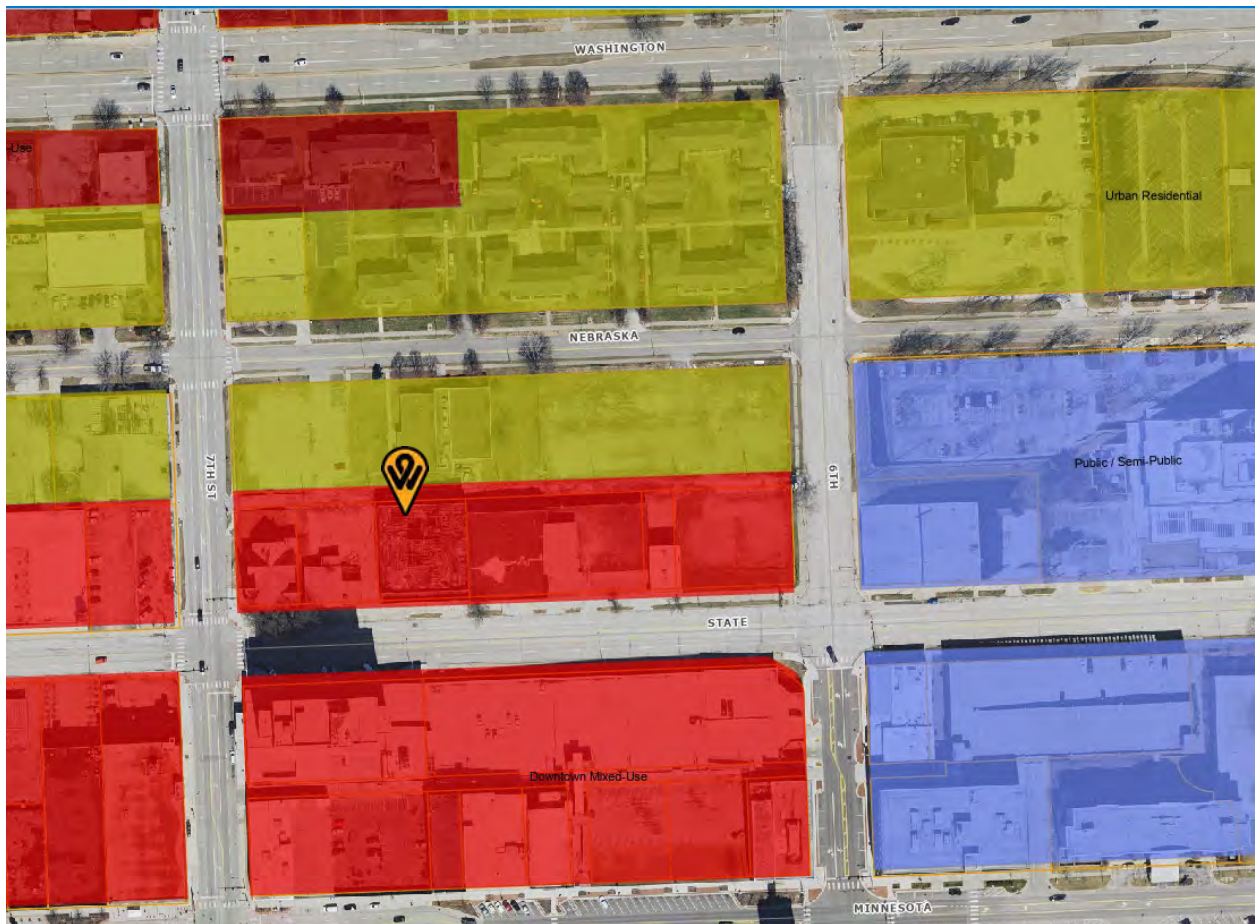


Figure 3. Downtown Master Plan Land Use Designation Map of proposed site for the KCKCC Downtown Campus (provided by ArcGIS Pro).

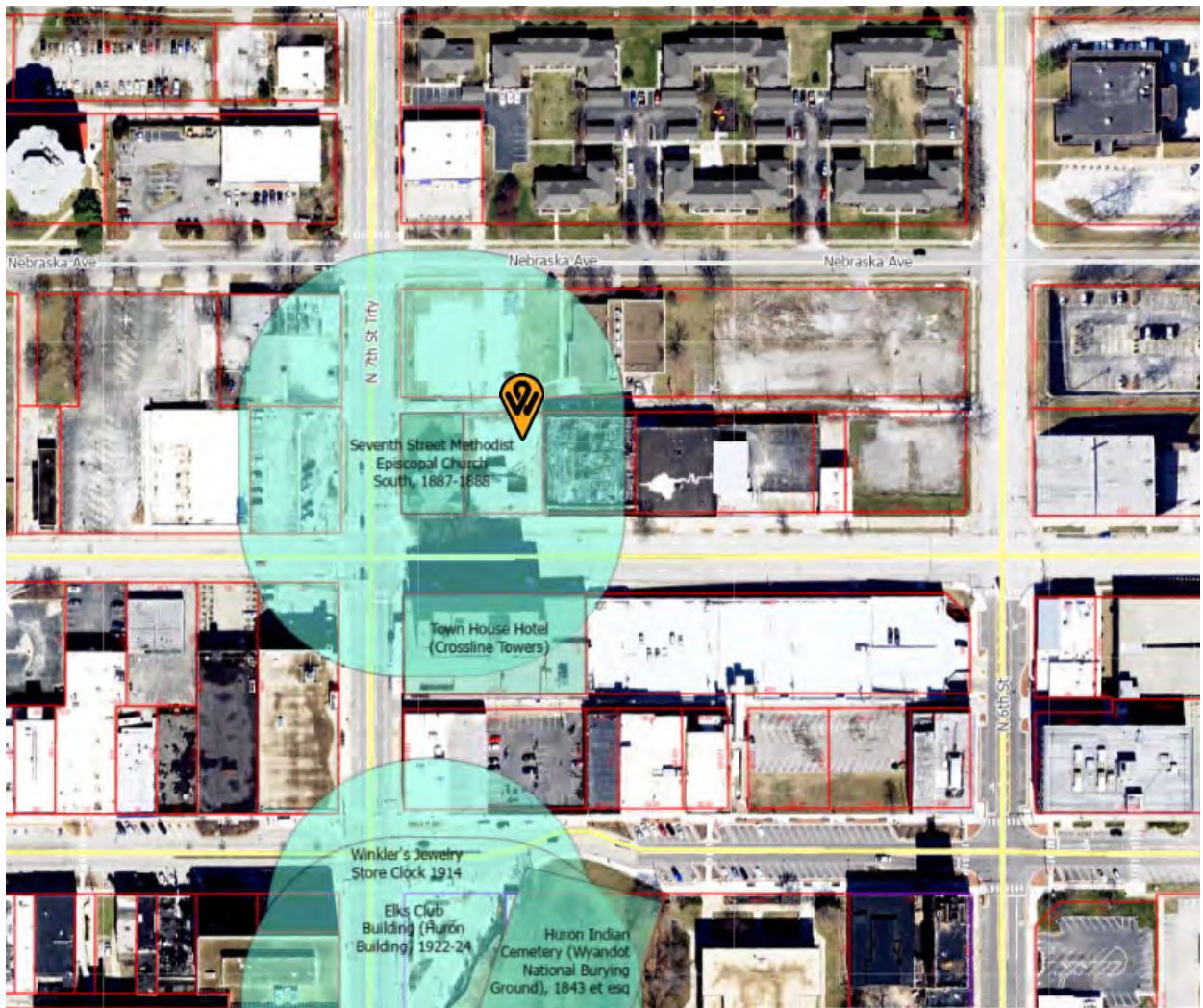


Figure 4. Historic Landmarks Map (provided by ArcGIS Pro).

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.
Kansas City, Kansas 66101

(913) 573-5550
(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. PR2023-044, MPL2023-020 Address: 645 Nebraska Avenue
Development Name: KELLY WINKLE Description: KCKCC Downtown Campus
STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

FOR STRUCTURES OVER 30 ft - 3 STORIES IN HEIGHT-

****Aerial Truck lane(s) must be 26' min clear width and be located between 15' and 30' to an entire side (long side) of the building per Sec. D105.1, 2018 IFC**

****For buildings or facilities over 62,000sf (124,000sf sprinkled) gross area, two separate code compliant access points must be provided separated by a distance equal to one-half the length of the maximum overall dimension of the property served per Sec. D104, 2018 IFC**

****Provide a fire truck turning drawing based on the following data:**

- | | |
|--------------------------------|--|
| -Length- 48' | -Inside turn radius- 31 ft |
| -Wheel base- 272.5 in. | -Wall to wall radius- 58 ft |
| -Front overhang- 96 in | -Aerial Ladder Overhang- 148" (@14' above grade) |
| (Front axle to bumper) | (Front axle to end of ladder above cab) |
| -Rear overhang-133.5 in. | -Minimum clearance(height between axles)-10" |
| -Width- 84 in | -Inside Cramp Angle- 44deg |
| -Minimum departure angle-7 deg | -Minimum approach angle- 7 deg |
| -Curb to curb radius- 50.5 ft | -Max weight-84,000lbs |

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields Digitally signed by Harvey Fields
Date: 2024.01.08 10:53:35 -06'00'

1/8/2024

Attending DRC Member: _____

Date

I, _____, as _____ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date

Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code

January 29, 2024

Byron Troy
Department of Planning + Urban Design
701 N 7th Street, Suite 423
Kansas City, KS 66101

RE: Petition PR2023-044 and Master Plan Amendment MPL2023-020

The following are our responses to your staff comments from your draft letter dated February 12, 2024.

GENERAL PLANNING

1. A Preliminary Plat or Vacation application shall be submitted to vacate the alley in between State Avenue and Nebraska Avenue.

Response: Acknowledged.

2. Because this parcel is designated as a Local Historic Landmark, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org.

Response: The Certificate of Appropriateness has been approved and released by the Unified Government.

3. Previous Conditions of Approval of CA2021-019:
 - a. The foundation stones, pews, stained glass, timbers, and red bricks be preserved and repurposed in a manner as described by the applicant in their proposal (and reflected in this report) and consistent with the final determinations of the HPDB;
 - b. As the applicant is proposing to demolish a historic landmark, the applicant must, regardless of cost, hire a certified historic preservationist who will document the entirety of the building and grounds and identify any and all significant archeological resources before a demolition permit can be issued;
 - c. No demolition permit for the building, portion of the building, or the site shall be granted until the funding goal for construction of the new KCKCC: Downtown campus/DCEHWC has been met, all planning entitlements have been granted, and all relevant building permits have been issued;
 - d. Historic preservation efforts as identified by the applicant shall be undertaken, including, but not limited to, the integration of historic artifacts into the design of the proposed building, the naming and use of the conference room within the building by the HPDB;
 - e. The applicant and the KCKCC must establish a historic preservation and design board ("HPDB" or "Board"). A Certificate of Appropriateness cannot be granted until HPDB members are selected, and rules of operation are established. The following conditions shall apply to the HPDB:
 - i. Members of the Board must include members of the Landmarks Commission, Department of Planning & Urban Design, members

representing organizations such as KCKCC, KCKCC's President's Downtown Advisory Council, KCK's downtown community, and other appropriate representatives;

- ii. The Board will be updated on the findings of the historic preservationist assigned with documenting the Seventh Street Methodist Episcopal Church, South Historic Landmark;
 - iii. The HPDB will have authority identify design elements for the proposed building as they relate to the preservation, incorporation, and display of features or elements of the Historic Landmark, and to make such recommendations to the DCEHWC Owners Condominium Association Board, with which reasonable recommendations will not be withheld;
 - iv. The Board may identify historic preservation deliverables and present said deliverables to the KCKCC for incorporation into the historic preservation course; and,
 - v. The Board will not be dissolved until after all elements of design and incorporation have satisfactorily been incorporated into the design of the proposed building and all building permits and a full Certificate of Occupancy has been successfully issued for the building; and,
- f. The proposed sculpture, "Destiny", or a reasonably similar sculpture piece must be incorporated into the DCEWHC campus, along with other artwork from the local community and in representation of the history and heritage of the Historic Landmark, the Downtown, and Kansas City, Kansas in general; and,
- g. The applicant must provide a Historic Structure Report for the Seventh Street Methodist Episcopal Church, South Historic Landmark. The Historic Structure Report must provide the documentary, graphic, and physical information about the history and existing condition of the building, the goals for the use or re-use of the property, a proposed treatment approach, a scope of work, and must be updated as work commences to record the processes undertaken and the changes made.

Response: Acknowledged.

3. Remove the two (2) ADA spaces from the northwest corner of the development, as the curb cut is too close to the 7th Street and Nebraska Avenue intersection and relocate the accessible spaces within the off-street parking lot.

Response: The comment from the street review stated parking needed to be a minimum of 25' from the intersection, and this parking meets that requirement. The west curb of the parking lot is 39' from the 7th Street curb.

4. Sec. 27-465(d)(1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled or service rendered which cannot be accommodated within a building. The Concrete Yard and Dirt Yard appear to be open to the elements and kept outside.

Response: The Concrete Yard is used as a service access for material deliveries to the building lab spaces. The Dirt Yard is used as part of the construction technology curriculum to educate students in the use of light industrial construction equipment. The area will be screened from public view and mitigation of dust will be within the property lines and not impact the public right-of-way.

5. Sec. 27-465(d)(2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood.

Response: Acknowledged.

6. Sidewalks within the campus need to tie into each other.

- a. The sidewalk on the east side of the Willa Gill building shall connect to the sidewalk on Nebraska Avenue.

Response: Acknowledged.

- b. Align the sidewalk north of the concrete yard to the ADA spaces behind the main campus building to establish a complete pedestrian connection.

Response: Acknowledged. There is a drive between the ADA spaces and the sidewalk north of the concrete yard. A crosswalk will be installed between the sidewalk and the ADA stalls across the drive.

7. Install crosswalk throughout the proposed vacated alley where sidewalks are perpendicular to each other.

Response: Acknowledged.

8. Repaint all crosswalks at the following intersections: 6th Street and Nebraska Avenue, 7th Street and Nebraska Avenue and 7th Street and State Avenue.

Response: Acknowledged. This will be noted on the final public improvement plans.

9. Lighting cannot exceed one (1) footcandle at the property line.

Response: Acknowledged. The photometric plan will be included in the final development plan submittal and will include property line and parking lot footcandle levels.

10. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood.

Response: Acknowledged. The parking lot pole fixtures will be full cutoff fixtures to reduce glare to surrounding neighborhoods. Backlight-uplight-glare ratings will be indicated for all pole fixtures in the final development plan submittal.

11. The proposed retaining wall along the west property line shall be stone masonry, not modular block, or concrete forms.

Response: Per discussion with Byron Toy, this comment was written in error and will be removed from the staff report.

12. All existing and future driveways must feature curb cuts that are constructed to UG standards.

Response: Acknowledged. This will be noted on the plans.

13. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokek.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.

Response: Acknowledged.

14. Subject to approval, the tenant(s) will need to file and maintain a current occupation tax application with the Business Licensing Division. We are located at the Neighborhood

Resource Center, 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or
businesslicense@wycokck.org.

Response: Acknowledged.

15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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.

Response: Acknowledged.

BUILDING ARCHITECTURE

1. Provide concrete and dirt yard elevations and cross section of what is visible from the proposed vacated alley and State Avenue.

Response: Sightline sections have been added to the plans.

2. Per the Downtown Area Plan Design Guidelines, large wall and roof planes visible from the public streets should be broken up by small off-sets or architectural details. Street wall planes over 750 square feet should have offsets and overhangs, window bays, or other ornamentation to break up the plane. Street-side roof planes greater than 500 square feet should be broken up by dormers, compound and intersecting planes, or other appropriate treatments.

Response: We believe the architectural design meets the intent of the design guidelines. Overhangs have been added along State Avenue, and the second floor of the 4-story building overhangs the first floor. In addition, the vertical windows and the anodized aluminum metal panel accents break up the wall planes.

3. Per the Downtown Area Plan Design Guidelines, building materials or applications such as Drivet, EIFS, stucco, wood/vinyl/metal siding, or hardy board should not occur on the first floor of any structures. Such materials and applications are acceptable as secondary accent materials on upper stories of buildings in the area.

Response: Acknowledged. The materials listed will only be used as accent materials at or above the second floor line.

4. The proposed garage/overhead doors shall match the adjacent exterior building façade color.

Response: Acknowledged. The proposed overhead doors will be prefinished or painted to match the adjacent surface.

5. The drive-through ATM pad site needs to comply with the Commercial Design Guidelines. Review Sec. 27-575 and Sec. 27-577 and if these standards cannot be met, the applicant must request specific deviations from the City Planning Commission.

Response: Acknowledged. The ATM pad site has been revised to show landscape plantings (sod & shrubs) in the parking islands to comply with the Commercial Design Guidelines. Decorative gravel is shown on the west and south perimeter to provide clear views immediately around the ATM for site users.

6. Downspouts shall be internalized.

Response: Acknowledged. Downspouts will be internalized.

LANDSCAPING AND SCREENING

1. Per the Downtown Area Plan, Balanced Streets 7th Street and State Avenue require an amenity zone (light poles and street trees) between the back of curb and pedestrian zone. 7th Street needs street trees between State Avenue and Nebraska Avenue to comply with this standard.

Response: 7th Street has been revised to include street trees to meet the intent of the Downtown Area Plan, while still allowing for required fire department access.

2. Install landscape plantings in the green space in the southwest corner of the development, north of the crosswalk on the east side of 7th Street.

Response: 7th Street has been revised to include street trees and plantings.

3. 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.

Response: Acknowledged. The landscape plan indicates the minimum sizes required for overstory trees, ornamental trees, evergreen trees, and shrubs.

4. All landscaping shall be irrigated.

Response: All new landscape plantings will be irrigated.

5. 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. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

Response: Acknowledged. The utility yard/trash receptacle enclosure at the northeast corner of the building sits approximately 10' below adjacent street level (Nebraska Avenue). It is surrounded on four (4) sides by a combination of retaining walls and fencing. The enclosure's gate faces away from Nebraska Avenue. A row of evergreen trees is provided on the west side where proposed utilities allow.

6. All electrical meter banks, typically on the side of the building shall be screened from public view.

Response: Acknowledged.

7. 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.

Response: Acknowledged. The utility yard/trash receptacle enclosure at the northeast corner of the building sits approximately 10' below adjacent street level (Nebraska Avenue). It is surrounded on four (4) sides by a combination of retaining walls and fencing. The enclosure's gate faces away from Nebraska Avenue. A row of evergreen trees is provided on the west side where proposed utilities allow.

All rooftop mechanical equipment will be screened from public view by the parapet of the building.

8. 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.

Response: Acknowledged. All rooftop mechanical equipment will be screened from public view by the parapet of the building.

9. Regarding the BPU transformer screening, the following applies:

- a. Gate doors are required for all types of screening that are placed in front of the transformers.

Response: Acknowledged.

- b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10-foot clearance from pad when gate door is open.

Response: Acknowledged.

- c. Posts for gate doors must be installed a minimum distance of 10 feet apart in front.

Response: Acknowledged.

- d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.

Response: Acknowledged.

- e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).

Response: Acknowledged.

- f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

Response: Acknowledged.

10. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval

before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy.

Response: Acknowledged.

11. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Response: Acknowledged.

SIGNAGE

1. 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.
 - a. It appears the wall signs on the west façade exceeds the C-D District requirement. Please review accordingly and make the necessary changes to comply with the sign ordinance.

Response: Acknowledged. All signs will be coordinated with the Department of Planning and Urban Design.

PLANNING ENGINEERING COMMENTS

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. None.
2. Items that are conditions of approval:
 - a. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - a. None.

Response: Acknowledged.

MINUTES:

Application Number MPL2023-020.

Master Plan Amendment from Downtown Mixed-Use (Downtown Area Plan) to Civic (Downtown Area Plan) to construct the Kansas City Kansas Community Education, Health and Wellness Center, Kansas City Kansas Community College (in conjunction with Preliminary Plan Review PR2023-044) at the following addresses:

- 600 State Avenue
- 612 State Avenue
- 624 State Avenue
- 632 State Avenue
- 646 State Avenue
- 645 Nebraska Avenue
- 1101 North 7th Street

Date and Location: Monday, January 29, 2024; held via zoom (recording available)

Meeting called to order at: 6:00 p.m.

Names of people in attendance:

Dr. Greg Mosier, Kansas City Kansas Community College
Dr. Shelley Kneuvean, Kansas City Kansas Community College
Dr. Scott Balog, Kansas City Kansas Community College
Whitney Bartelli, Vice President of Marketing, CommunityAmerica Credit Union
Angela Smart, Swope Health
Chris Davis, PGAV Architects
Sassan Mahobian, SKDG
Bruno Soria, SKDG
Flint Sutherland, McCownGordon Construction
Peter Ho, VISOR Consulting, LLC
Jamie Stadler, Copaken-Brooks

No Members of the Public Attended

Introductions:

Peter Ho opened the public meeting at 6:00 p.m. and stated the purpose of the meeting.

All members of the project team introduced themselves.

Mr. Ho asked if there were any members of the public in attendance, and there was none.

The hearing stayed open for 30 minutes at which time, Mr. Ho closed the public meeting at 6:30 p.m.

Meeting adjourned at: 6:30 p.m.

Minutes taken by: Dr. Shelley Kneuvean, Kansas City Kansas Community College

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Dr Shelley Kneuman of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # MPL2023-020
2. That I conducted a neighborhood meeting on Jan 29 2024 6pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

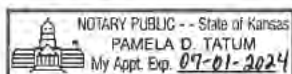
Further affiant saith not.



Affiant

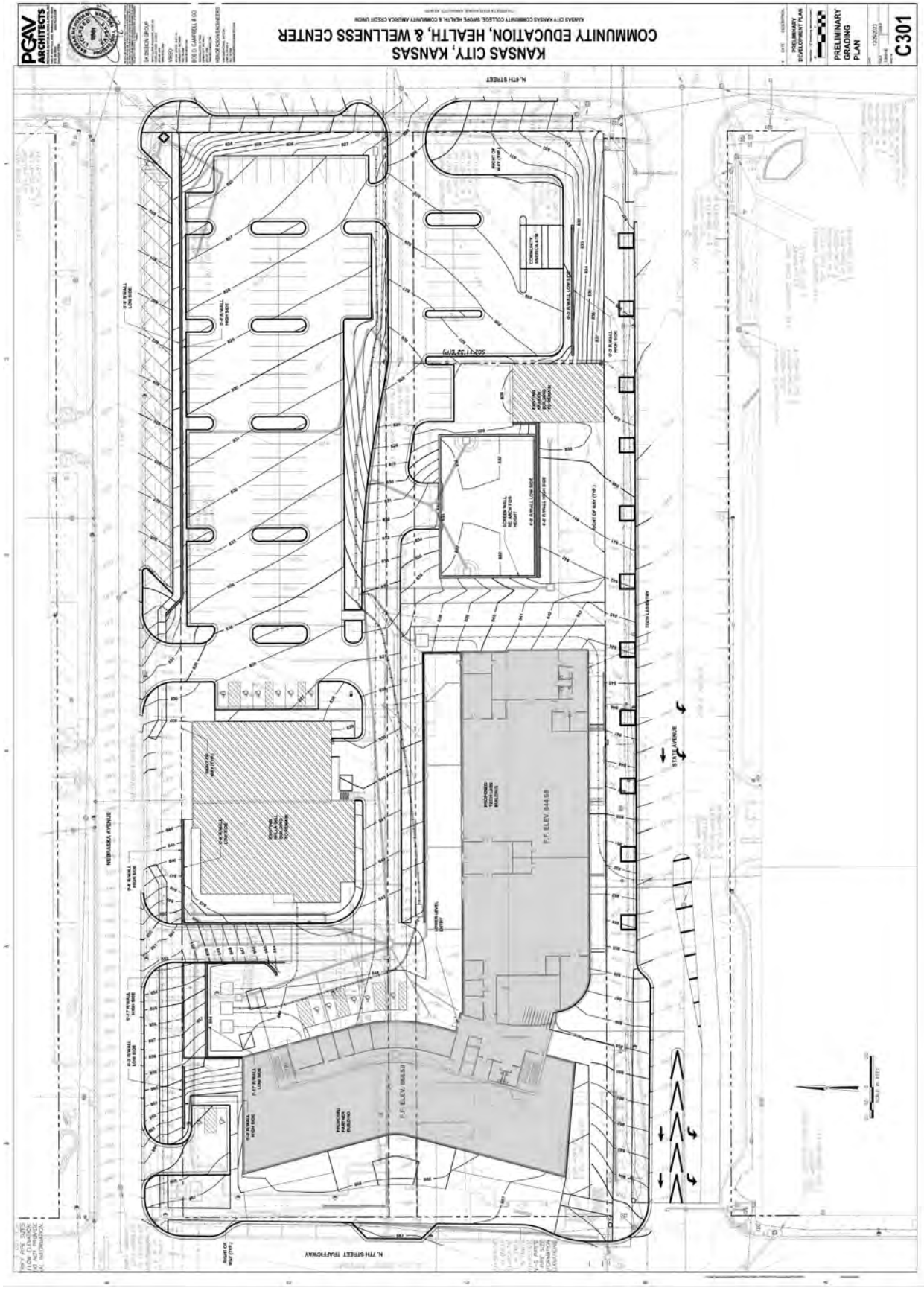
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 15th day of February, 2008, 2024.

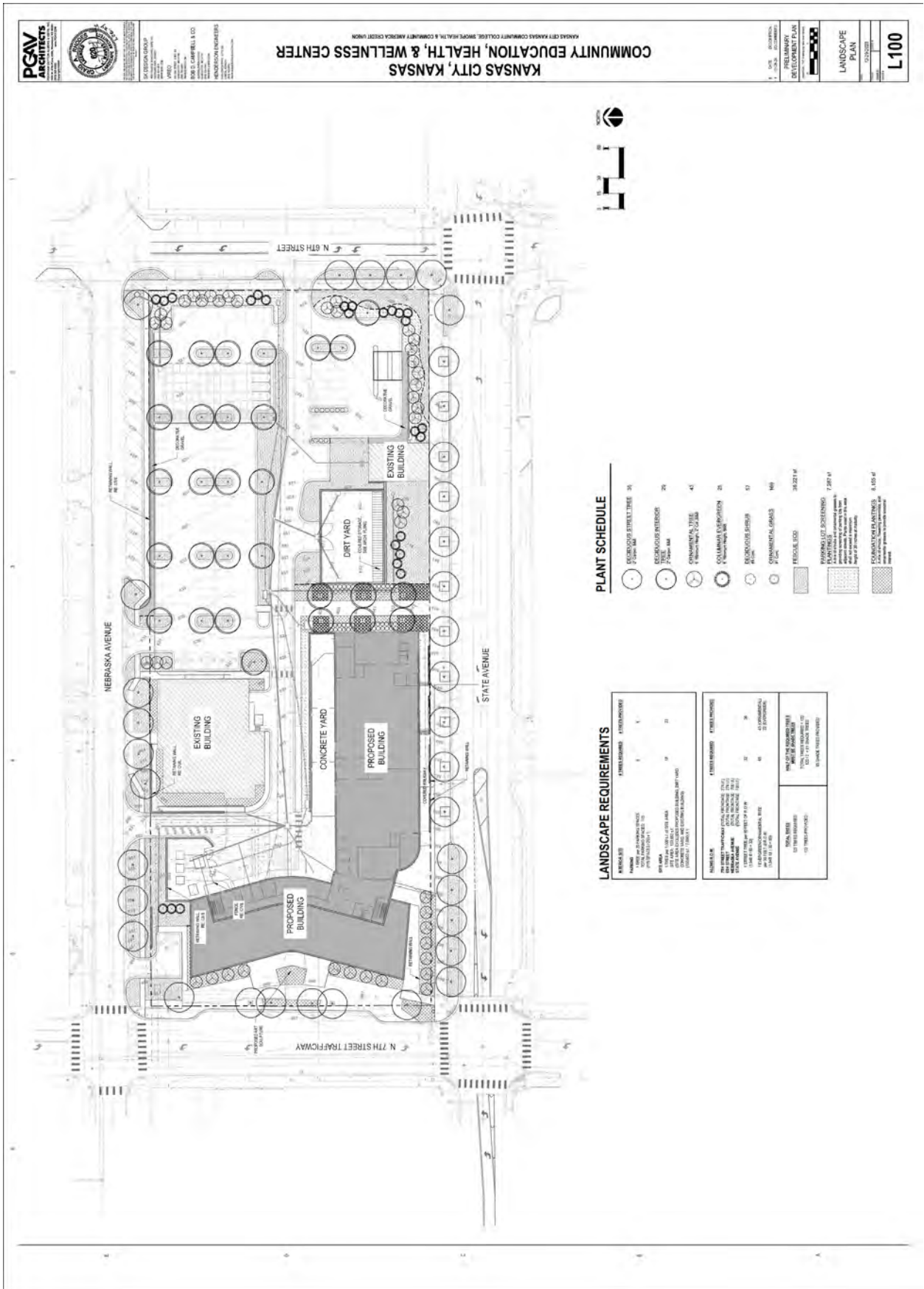
My commission expires 01 of July, 2008, 2024





Notary Public







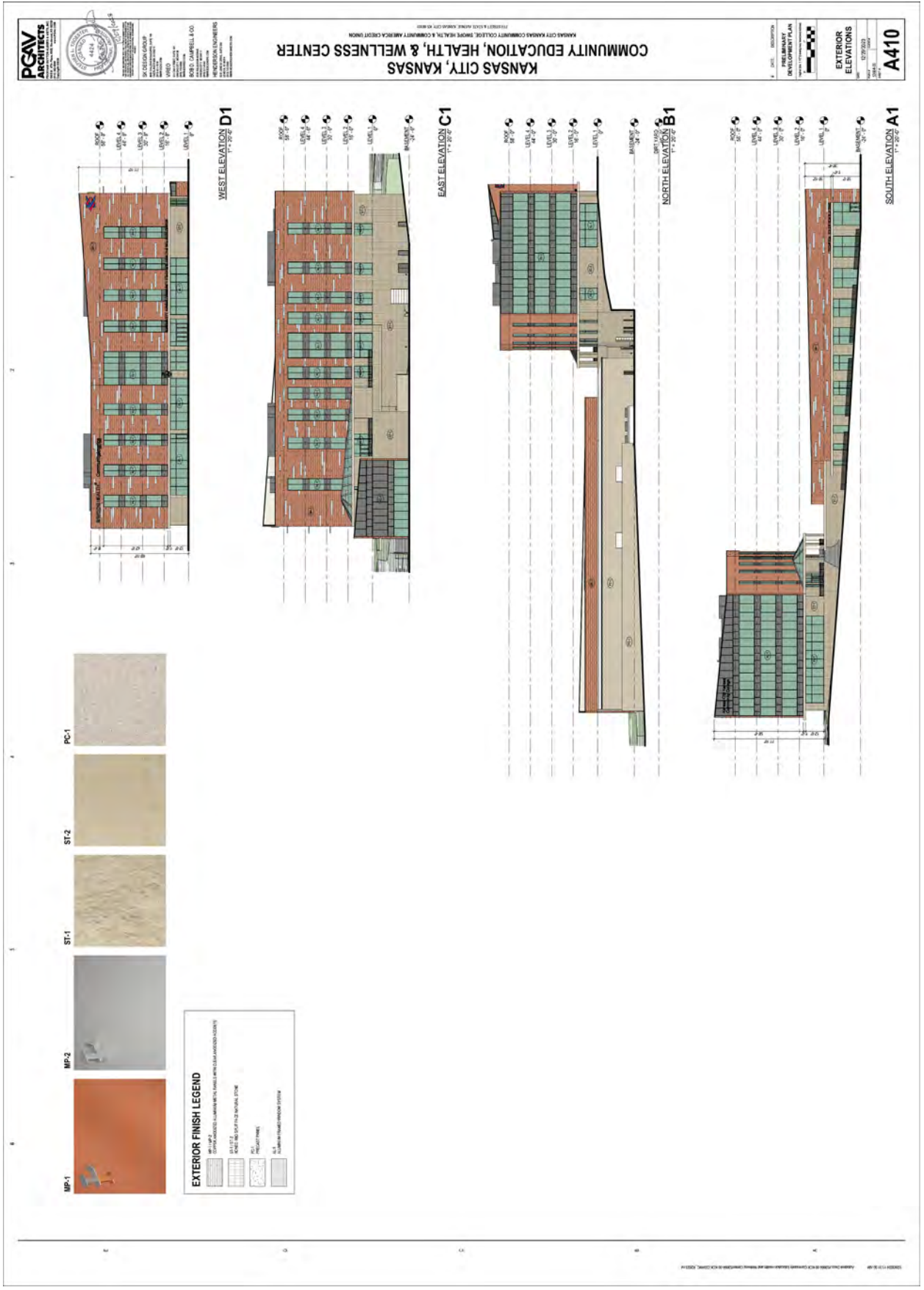




Figure 5. Site Photograph of proposed KCKCC Downtown Campus looking north at North 6th Street from State Avenue (provided by Planning Staff).



Figure 6. Site Photograph of proposed KCKCC Downtown Campus looking west from State Avenue (provided by Planning Staff).



Figure 7. Site Photograph of proposed KCKCC Downtown Campus looking northeast from State Avenue (provided by Planning Staff).



Figure 8. Site Photograph of proposed KCKCC Downtown Campus looking southeast from North 7th Street (provided by Planning Staff).



Figure 9. Site Photograph of proposed KCKCC Downtown Campus looking southwest from Nebraska Avenue (provided by Planning Staff).



Figure 10. Site Photograph of proposed KCKCC Downtown Campus looking south at North 6th Street from Nebraska Avenue (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 29, 2024

Re: **Petition PR2023-044 and Master Plan Amendment MPL2023-020**

GENERAL INFORMATION

Applicant:
Kelly Winkel

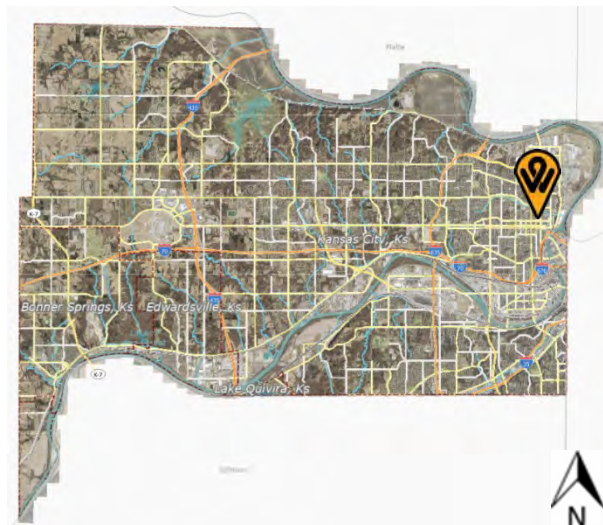
Status of Applicant:
Representative
PGAV Architects
1900 West 47th Place
Westwood, KS 66205

Requested Action:
Approval of a Preliminary Development Plan and Master Plan Amendment from Downtown Mixed Use and Urban Residential to Civic (Downtown Area Plan).

Need a Final Plat or Vacation to vacate right-of-way.

Date of Application:
December 29, 2024

Purpose:
To build a 96,700 square foot Kansas City Kansas Community College downtown campus with a Community Education, Health and Wellness Center, and drive-thru ATM.



Property Location:	1101 North 7 th Street Trafficway Kansas City, KS 66101
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #2 Commissioner: William (Bill) Burns
Existing Zoning:	C-D Central Business District
Adjacent Zoning:	North: C-D Central Business District South: C-D Central Business District East: C-D Central Business District West: C-D Central Business District
Adjacent Uses:	North: Turtle Hill Townhomes South: Town House apartments and parking garage East: Office building West: KCKPD parking lot and office building
Total Tract Size:	4.11 Acres
Area Plan:	Downtown Area Plan
Area Plan Designation:	The Downtown Area Plan designates this property as Downtown Mixed-Use and Urban Residential. Downtown Mixed-Use allows multi-story buildings with commercial/retail uses at street level preferred, with office uses and some residential uses above. Urban Residential allows higher density residential, 12 units per acre or greater, in an urban format (typically attached units – townhomes/stacked flats), detached patio homes/zero lot lines or single-family homes may be acceptable based on upon density, design and location. Institutions including schools and churches would be allowed within the urban residential land use designation. A Master Plan Amendment is being sought to Civic Space, which allows uses dedicated to public buildings and sites that have local, state and federal governmental functions or serve a public function.
Major Street Plan:	The Major Street Plan classifies 7 th Street and State Avenue as Class B Thoroughfares, North 6 th Street as a Class C Thoroughfares and Nebraska Avenue as a Local Street.
Required Parking:	Sec. 27-465(f)(1) states uses in this district need not provide off-street parking, except that residential occupancies shall provide not less than one (1) off-

street parking space for each dwelling unit, and hotels shall provide one (1) off-street parking space for each room. Such parking spaces shall be paved and shall be on the premises or off the premises within 200 feet of the main entrance to the building served. For this development, zero (0) off-street parking spaces are required. The applicant is providing 123 parking spaces.

Advertisement:	Property Owner Letters – January 19, 2024 <u>Wyandotte Echo</u> – January 18, 2024
Public Hearings:	February 12, 2024 and February 29, 2024
Public Support:	One (1) person appeared in support at the February 12, 2024, City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kelly Winkel, with PGAV Architects, wants to build a 96,700 square foot Kansas City Kansas Community College downtown campus with a Community Education, Health and Wellness Center, and drive-thru ATM on 4.11 acres.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 10220-00737 – Graffiti – May 4, 2010.
2. Numerous violations between 2018 – 2020 for weeds, trash, debris, unfit building, windows rotting, fascia repair, building painting and roof repair – 1101 North 7th Street.

Outstanding or Related Permits and Cases:

1. CA2021-019 – Certificate of Appropriateness from the Landmarks Commission to demolish the Historic Landmark – 7th Street Methodist Episcopal Church on November 1, 2021.

3. BOZA 2073 – Variance for building setbacks and non-vehicular open space approved by the Board of Zoning Appeals on November 12, 2012.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

These parcels are in the downtown core, as defined in the Downtown Area Plan. The area is bounded on the east by office buildings and the Federal Courthouse, Crossline Towers and a parking garage to the south, KCKPD and commercial buildings to the west, Turtle Hill Townhomes to the north.

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

The proposed development, a 96,700 square foot building, will substantially increase traffic on 6th Street, 7th Street, Nebraska and State Avenue. The Traffic Impact Study is being analyzed and reviewed by Planning Engineering and Public Works. Sidewalk improvements for pedestrians will be implemented linking the front entrances to the sidewalks at North 6th Street and Nebraska Avenue, North 7th Street & Nebraska Avenue, and North 7th Street and State Avenue.

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

The proposed use does not conform to the Downtown Area Plan, allows multi-story buildings with commercial/retail uses at street level preferred, with office uses and some residential uses above. Urban Residential allows higher density residential, 12 units per acre or greater, in an urban format (typically attached units – townhomes/stacked flats), detached patio homes/zero lot lines or single-family homes may be acceptable based on upon density, design and location. Institutions including schools and churches would be allowed within the urban residential land use designation.

A Master Plan Amendment is being sought to Civic, which allows uses dedicated to public buildings and sites that have local, state and federal governmental functions or serve a public function. Ancillary uses such as banks, health clinics and ATMs are permitted on post-secondary campuses (i.e. community colleges and four (4) year universities).

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by the East Patrol, District #111.

e. Fire

Fire service is provided by Station #1 located off 6th Street and Armstrong Avenue.

f. Transit

Kansas City ATA provides transit service at the 7th Street and Minnesota Avenue intersection, Routes #102, #103, #104, #106, and #107.

g. Schools

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

5. The capability of the proposed use to meet applicable ordinance and other requirements.

With revisions to the site plan, landscape plan, and building elevations the proposed use is capable of meeting applicable ordinance and other requirements.

PREVIOUS ACTIONS

- CA2021-019 – Certificate of Appropriateness from the Landmarks Commission to demolish the Historic Landmark – 7th Street Methodist Episcopal Church at 1101 North 7th Street on November 1, 2021.
- BOZA 2073 – Variance for building setbacks and non-vehicular open space at 645 Nebraska Avenue approved by the Board of Zoning Appeals on November 12, 2012.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Downtown Area Plan
Pedestrian Connectivity
Transit Access
Fire Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 2 to recommend **APPROVAL** of Master Plan Amendment **MPL2023-020** and Plan Review Application **PR2023-044**, subject to:

1. **A Preliminary Plat or Vacation application shall be submitted to vacate the alley in between State Avenue and Nebraska Avenue;**
2. **Because this parcel is designated as a Local Historic Landmark, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org;**
3. **Previous Conditions of Approval of CA2021-019:**
 - a. **The foundation stones, pews, stained glass, timbers, and red bricks be preserved and repurposed in a manner as described by the applicant in their proposal (and reflected in this report) and consistent with the final determinations of the HPDB;**
 - b. **As the applicant is proposing to demolish a historic landmark, the applicant must, regardless of cost, hire a certified historic preservationist who will document the entirety of the building and grounds and identify any and all significant archeological resources before a demolition permit can be issued;**
 - c. **No demolition permit for the building, portion of the building, or the site shall be granted until the funding goal for construction of the new KCKCC Downtown campus/DCEHWC has been met, all planning entitlements have been granted, and all relevant building permits have been issued;**
 - d. **Historic preservation efforts as identified by the applicant shall be undertaken, including, but not limited to, the integration of historic artifacts into the design of the proposed building, the naming and use of the conference room within the building by the HPDB;**
 - e. **The applicant and the KCKCC must establish a historic preservation and design board ("HPDB" or "Board"). A Certificate of Appropriateness cannot be granted until HPDB members are**

selected, and rules of operation are established. The following conditions shall apply to the HPDB:

- i. Members of the Board must include members of the Landmarks Commission, Department of Planning & Urban Design, members representing organizations such as KCKCC, KCKCC's President's Downtown Advisory Council, KCK's downtown community, and other appropriate representatives;
 - ii. The Board will be updated on the findings of the historic preservationist assigned with documenting the Seventh Street Methodist Episcopal Church, South Historic Landmark;
 - iii. The HPDB will have authority identify design elements for the proposed building as they relate to the preservation, incorporation, and display of features or elements of the Historic Landmark, and to make such recommendations to the DCEHWC Owners Condominium Association Board, with which reasonable recommendations will not be withheld;
 - iv. The Board may identify historic preservation deliverables and present said deliverables to the KCKCC for incorporation into the historic preservation course; and,
 - v. The Board will not be dissolved until after all elements of design and incorporation have satisfactorily been incorporated into the design of the proposed building and all building permits and a full Certificate of Occupancy has been successfully issued for the building; and,
 - f. The proposed sculpture, "Destiny", or a reasonably similar sculpture piece must be incorporated into the DCEWHC campus, along with other artwork from the local community and in representation of the history and heritage of the Historic Landmark, the Downtown, and Kansas City, Kansas in general; and,
 - g. The applicant must provide a Historic Structure Report for the Seventh Street Methodist Episcopal Church, South Historic Landmark. The Historic Structure Report must provide the documentary, graphic, and physical information about the history and existing condition of the building, the goals for the use or re-use of the property, a proposed treatment approach, a scope of work, and must be updated as work commences to record the processes undertaken and the changes made;
4. Sec. 27-465(d)(1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled, or service rendered which cannot be accommodated within a building. The Concrete Yard and Dirt Yard appear to be open to the elements and kept outside;
5. Sec. 27-465(d)(2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood;

6. Sidewalks within the campus need to tie into each other;
7. The sidewalk on the east side of the Willa Gill building shall connect to the sidewalk on Nebraska Avenue;
8. Align the sidewalk north of the concrete yard to the ADA spaces behind the main campus building to establish a complete pedestrian connection;
9. Install crosswalk throughout the proposed vacated alley where sidewalks are perpendicular to each other;
10. Repaint all crosswalks at the following intersections: 6th Street and Nebraska Avenue, 7th Street and Nebraska Avenue and 7th Street and State Avenue;
11. Lighting cannot exceed one (1) footcandle at the property line;
12. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
13. Per the Downtown Area Plan Design Guidelines, large wall and roof planes visible from the public streets should be broken up by small offsets or architectural details. Street wall planes over 750 square feet should have offsets and overhangs, window bays, or other ornamentation to break up the plane. Street-side roof planes greater than 500 square feet should be broken up by dormers, compound and intersecting planes, or other appropriate treatments;
14. Per the Downtown Area Plan Design Guidelines, building materials or applications such as Divet, EFIS, stucco wood/vinyl/metal siding, or hardy board should not occur on the first floor of any structures. Such materials and applications are acceptable as secondary accent materials on upper stories of buildings in the area;
15. The proposed garage/overhead doors shall match the adjacent exterior building façade color;
16. The drive-through ATM pad site needs to comply with the [Commercial Design Guidelines](#). Review [Sec. 27-575](#) and [Sec. 27-577](#) and if these standards cannot be met, the applicant must request specific deviations from the City Planning Commission;
17. Downspouts shall be internalized;
18. Per the Downtown Area Plan, Balanced Streets 7th Street and State Avenue require an amenity zone (light poles and street trees) between the back of curb and pedestrian zone. 7th Street needs street trees between State Avenue and Nebraska Avenue to comply with this standard;
19. Install landscape plantings in the green space in the southwest corner of the development, north of the crosswalk on the east side of 7th Street;
20. 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;
21. All landscaping shall be irrigated;
22. 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;

All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;

23. All electrical meter banks, typically on the side of the building shall be screened from public view;
24. 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;
25. 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;
26. Regarding the BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers;
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10-foot clearance from pad when gate door is open;
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in front;
 - d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat;
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
27. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
28. All existing and future driveways must feature curb cuts that are constructed to UG standards;
29. 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;
30. Subject to approval, the tenant(s) will need to file and maintain a current occupation tax application with the Business Licensing Division. We are located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or businesslicense@wycokck.org;
 31. 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;
 32. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy; and,
 33. Following the Final Development Plan, Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **PR2023-044** and **MPL2023-020** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 12, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Downtown Area Plan Land Use Map
Historic Landmark and District Map
KCKFD Comment Letter
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Building Elevations
Site Photographs taken on January 12, 2024

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Preliminary Plan	February 12, 2024 Approval	February 29, 2024
Master Plan Amendment	February 12, 2024 Approval	February 29, 2024

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-020** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-020** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Preliminary Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-044** as meeting all the requirements of the city code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2023-044**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 12, 2024, City Planning Commission Minutes:

Hearing starts at 4:32:50:

PLAN REVIEW APPLICATION PR2023-044 – KELLY WINKEL - SYNOPSIS:

Preliminary Development Plan for the KCKCC Downtown Campus at 645 Nebraska Avenue, 1101 North 7th Street, and 600, 612, 624, 632 and 646 State Avenue.

MASTER PLAN AMENDMENT APPLICATION MPL2023-020 – KELLY WINKEL - SYNOPSIS: Master Plan Amendment from Downtown Mixed-Use (Downtown Area Plan) to Civic (Downtown Area Plan) to construct the KCKCC Downtown Campus at 645 Nebraska Avenue, 1101 North 7th Street, and 600, 612, 624, 632 and 646 State Avenue.

Detailed Outline of Requested Action: The applicant, Kelly Winkel, with PGAV Architects, wants to build a 96,700 square foot Kansas City Kansas Community College downtown campus with a Community Education, Health and Wellness Center, and drive-thru ATM on 4.11 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo for the Master Plan Amendment; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application.

Present in Support:

- Peter Ho, representing the applicant and property owners, Community America Credit Union and Kansas City, Kansas Community College
- Melissa Williams, 626 Everett Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:40:11: Planning Director Hand stated that these applications are for the downtown campus for the Kansas City, Kansas Community College. The property is in the Downtown Area Plan. Before this evening staff received no letters in support nor opposition. There are some older Notices of Violation related to the vacancy of these other properties all of which would be addressed by the proposed redevelopment. Staff recommends approval subject to the conditions in the staff report. It was noted that a plat or vacation needed to occur in order to vacate the alleyway. That application has been submitted and will be heard as soon as March 2024. A final development plan will be required before a building permit can be issued. A new Certificate of Appropriateness (COA) will also be required. The current COA they received was for the demolition of the buildings, including the church. The property that the church sits on is still designated as a Historic Landmark thus requiring the new COA for the building permits. Some of the items in Condition #3 have already been met and some have not and that is why the condition is still included.

Motion starts at 4:42:21:

On motion by Ms. Easterwood, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2023-020:**

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	No
Armstrong	Aye
Beth	No
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Motion to recommend **APPROVAL** Passed: 5 to 2

Subject to:

1. **A Preliminary Plat or Vacation application shall be submitted to vacate the alley in between State Avenue and Nebraska Avenue;**
2. **Because this parcel is designated as a Local Historic Landmark, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org;**
3. **Previous Conditions of Approval of CA2021-019:**
 - a. **The foundation stones, pews, stained glass, timbers, and red bricks be preserved and repurposed in a manner as described by the applicant in their proposal (and reflected in this report) and consistent with the final determinations of the HPDB;**
 - b. **As the applicant is proposing to demolish a historic landmark, the applicant must, regardless of cost, hire a certified historic preservationist who will document the entirety of the building and grounds and identify any and all significant archeological resources before a demolition permit can be issued;**
 - c. **No demolition permit for the building, portion of the building, or the site shall be granted until the funding goal for construction of the new KCKCC Downtown campus/DCEHWC has been met, all planning entitlements have been granted, and all relevant building permits have been issued;**
 - d. **Historic preservation efforts as identified by the applicant shall be undertaken, including, but not limited to, the integration of historic artifacts into the design of the proposed building, the naming and use of the conference room within the building by the HPDB;**
 - e. **The applicant and the KCKCC must establish a historic preservation and design board ("HPDB" or "Board"). A Certificate of Appropriateness cannot be granted until HPDB members are selected, and rules of operation are established. The following conditions shall apply to the HPDB:**
 - i. **Members of the Board must include members of the Landmarks Commission, Department of Planning & Urban Design, members representing organizations such as**

KCKCC, KCKCC's President's Downtown Advisory Council, KCK's downtown community, and other appropriate representatives;

- ii. The Board will be updated on the findings of the historic preservationist assigned with documenting the Seventh Street Methodist Episcopal Church, South Historic Landmark;**
 - iii. The HPDB will have authority identify design elements for the proposed building as they relate to the preservation, incorporation, and display of features or elements of the Historic Landmark, and to make such recommendations to the DCEHWC Owners Condominium Association Board, with which reasonable recommendations will not be withheld;**
 - iv. The Board may identify historic preservation deliverables and present said deliverables to the KCKCC for incorporation into the historic preservation course; and,**
 - v. The Board will not be dissolved until after all elements of design and incorporation have satisfactorily been incorporated into the design of the proposed building and all building permits and a full Certificate of Occupancy has been successfully issued for the building; and,**
 - f. The proposed sculpture, "Destiny", or a reasonably similar sculpture piece must be incorporated into the DCEWHC campus, along with other artwork from the local community and in representation of the history and heritage of the Historic Landmark, the Downtown, and Kansas City, Kansas in general; and,**
 - g. The applicant must provide a Historic Structure Report for the Seventh Street Methodist Episcopal Church, South Historic Landmark. The Historic Structure Report must provide the documentary, graphic, and physical information about the history and existing condition of the building, the goals for the use or re-use of the property, a proposed treatment approach, a scope of work, and must be updated as work commences to record the processes undertaken and the changes made;**
- 4. Sec. 27-465(d)(1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled, or service rendered which cannot be accommodated within a building. The Concrete Yard and Dirt Yard appear to be open to the elements and kept outside;**
 - 5. Sec. 27-465(d)(2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood;**
 - 6. Sidewalks within the campus need to tie into each other;**
 - 7. The sidewalk on the east side of the Willa Gill building shall connect to the sidewalk on Nebraska Avenue;**

8. Align the sidewalk north of the concrete yard to the ADA spaces behind the main campus building to establish a complete pedestrian connection;
 9. Install crosswalk throughout the proposed vacated alley where sidewalks are perpendicular to each other;
 10. Repaint all crosswalks at the following intersections: 6th Street and Nebraska Avenue, 7th Street and Nebraska Avenue and 7th Street and State Avenue;
 11. Lighting cannot exceed one (1) footcandle at the property line;
 12. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
 13. Per the Downtown Area Plan Design Guidelines, large wall and roof planes visible from the public streets should be broken up by small off-sets or architectural details. Street wall planes over 750 square feet should have offsets and overhangs, window bays, or other ornamentation to break up the plane. Street-side roof planes greater than 500 square feet should be broken up by dormers, compound and intersecting planes, or other appropriate treatments;
 14. Per the Downtown Area Plan Design Guidelines, building materials or applications such as Divet, EFIS, stucco wood/vinyl/metal siding, or hardy board should not occur on the first floor of any structures. Such materials and applications are acceptable as secondary accent materials on upper stories of buildings in the area;
 15. The proposed garage/overhead doors shall match the adjacent exterior building façade color;
 16. The drive-through ATM pad site needs to comply with the [Commercial Design Guidelines](#). Review [Sec. 27-575](#) and [Sec. 27-577](#) and if these standards cannot be met, the applicant must request specific deviations from the City Planning Commission;
 17. Downspouts shall be internalized;
 18. Per the Downtown Area Plan, Balanced Streets 7th Street and State Avenue require an amenity zone (light poles and street trees) between the back of curb and pedestrian zone. 7th Street needs street trees between State Avenue and Nebraska Avenue to comply with this standard;
 19. Install landscape plantings in the green space in the southwest corner of the development, north of the crosswalk on the east side of 7th Street;
 20. 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;
 21. All landscaping shall be irrigated;
 22. 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;
- All utility connections, this includes green electrical boxes and free-

- standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
23. All electrical meter banks, typically on the side of the building shall be screened from public view;
24. 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;
25. 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;
26. Regarding the BPU transformer screening, the following applies:
- a. Gate doors are required for all types of screening that are placed in front of the transformers;
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10-foot clearance from pad when gate door is open;
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in front;
 - d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat;
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
27. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
28. All existing and future driveways must feature curb cuts that are constructed to UG standards;
29. 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;
30. Subject to approval, the tenant(s) will need to file and maintain a current occupation tax application with the Business Licensing Division. We are

located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or businesslicense@wycokck.org;

31. 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;
32. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy; and,
33. Following the Final Development Plan, Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

On motion by Ms. Easterwood, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review**

Application PR2023-044:

Carson	Chairman
Schwartz	Aye
Straws	Not Present
Ward	No
Armstrong	Aye
Beth	No
Easterwood	Aye

Ernst Aye
Jones Aye
Miller Not Present
Mohler Not Present
Motion to recommend **APPROVAL** Passed: 5 to 2
Subject to the above conditions.

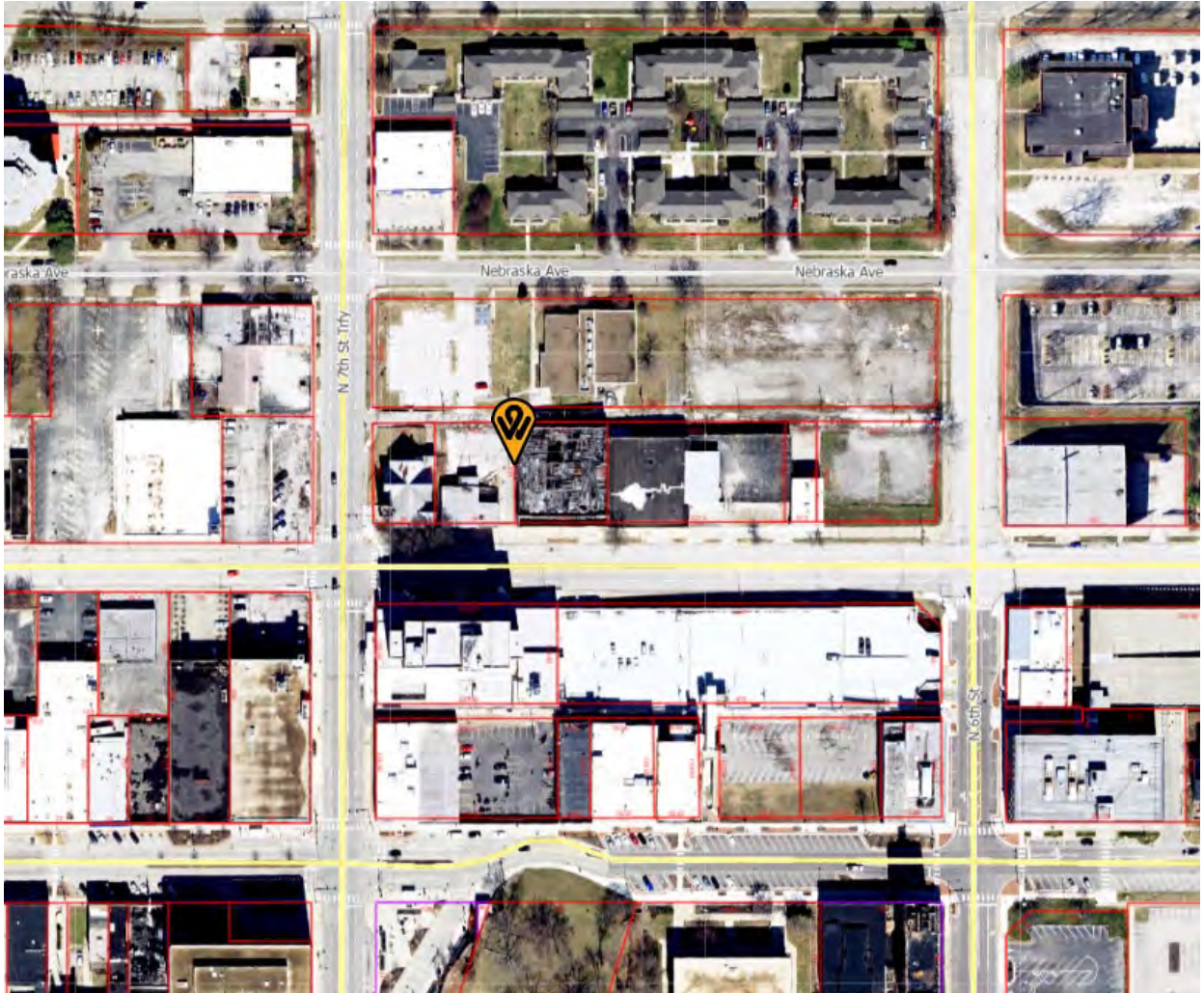


Figure 1. Aerial Photograph of proposed site for the KCKCC Downtown Campus (provided by UG Maps).

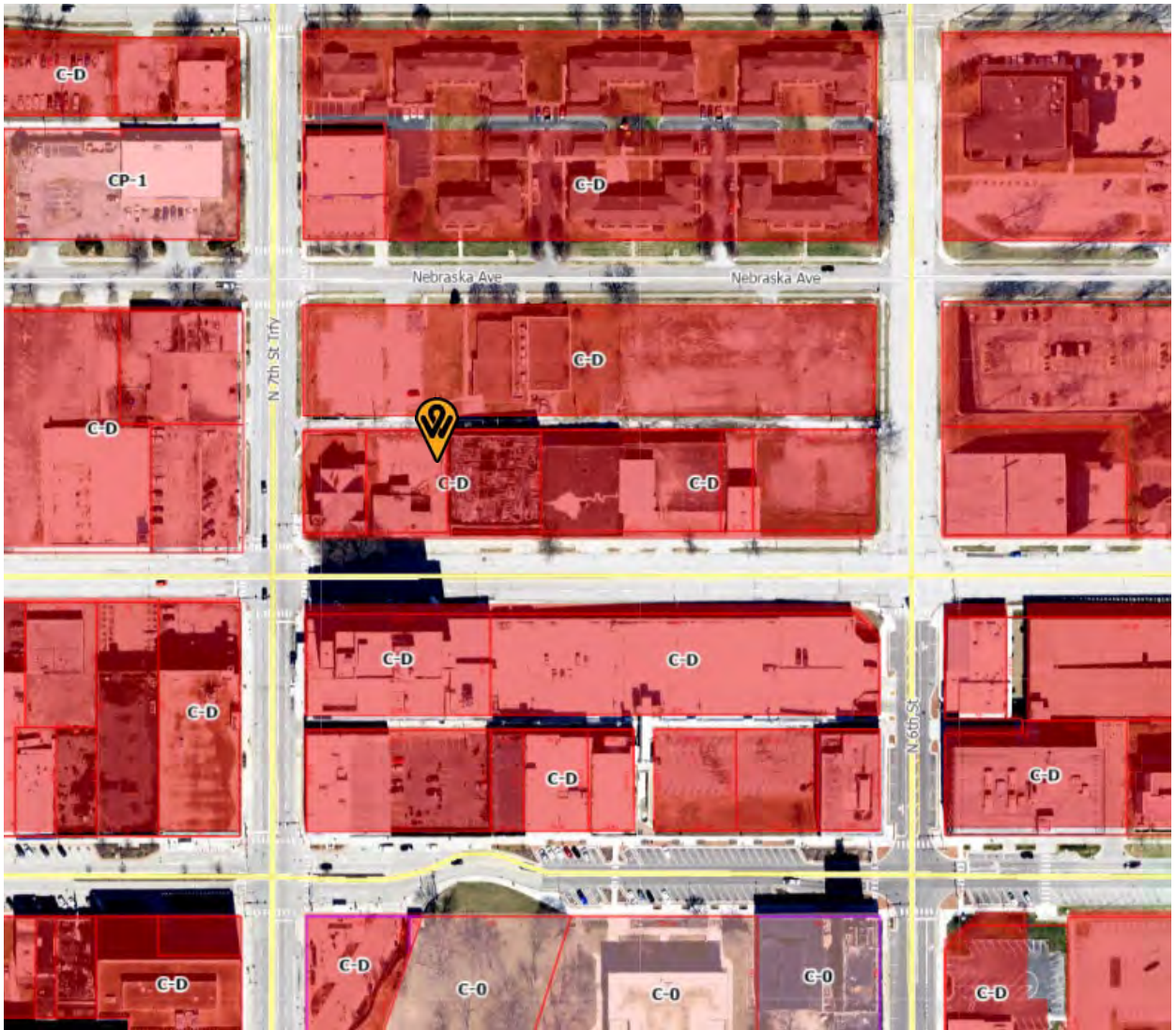


Figure 2. Zoning Map of proposed site for the KCKCC Downtown Campus (provided by UG Maps).

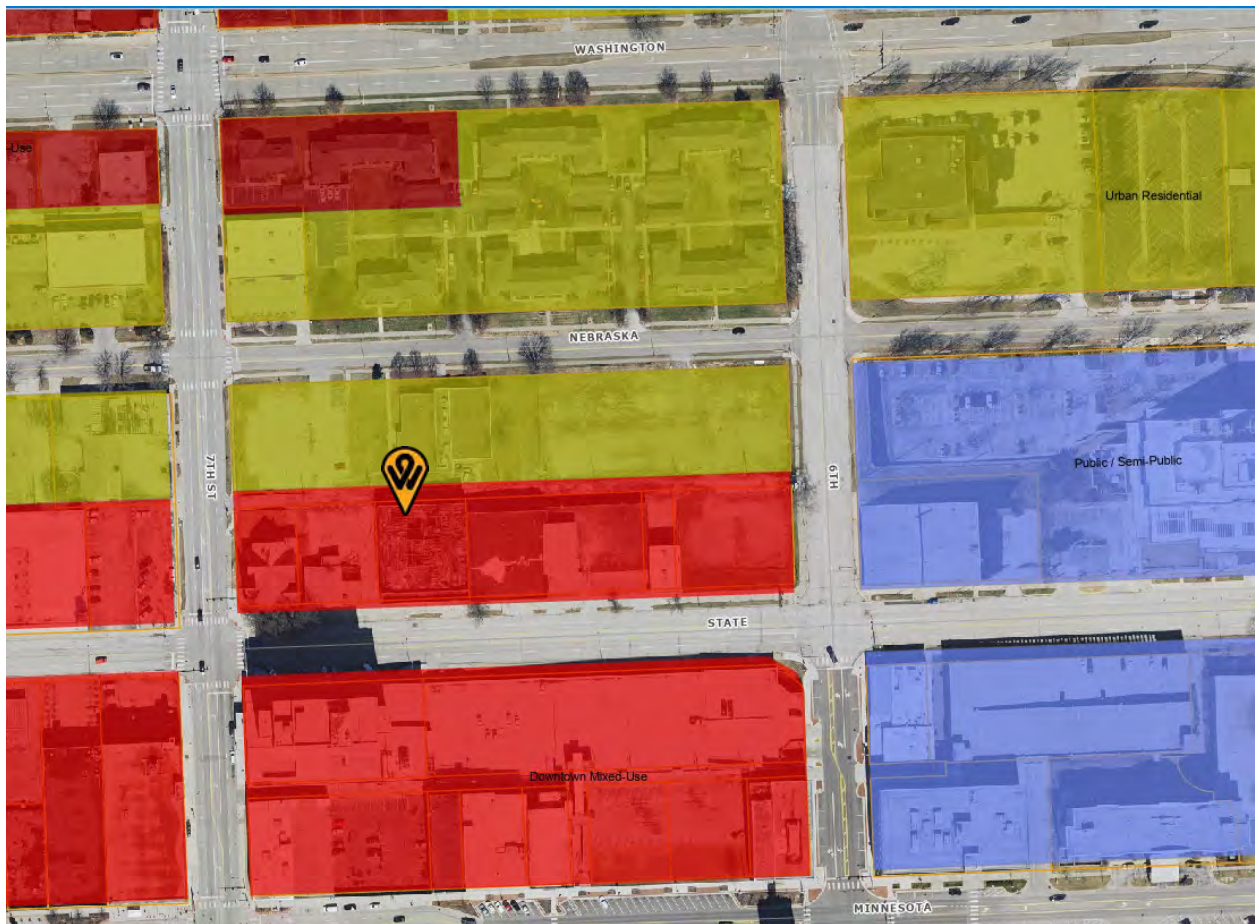


Figure 3. Downtown Master Plan Land Use Designation Map of proposed site for the KCKCC Downtown Campus (provided by ArcGIS Pro).

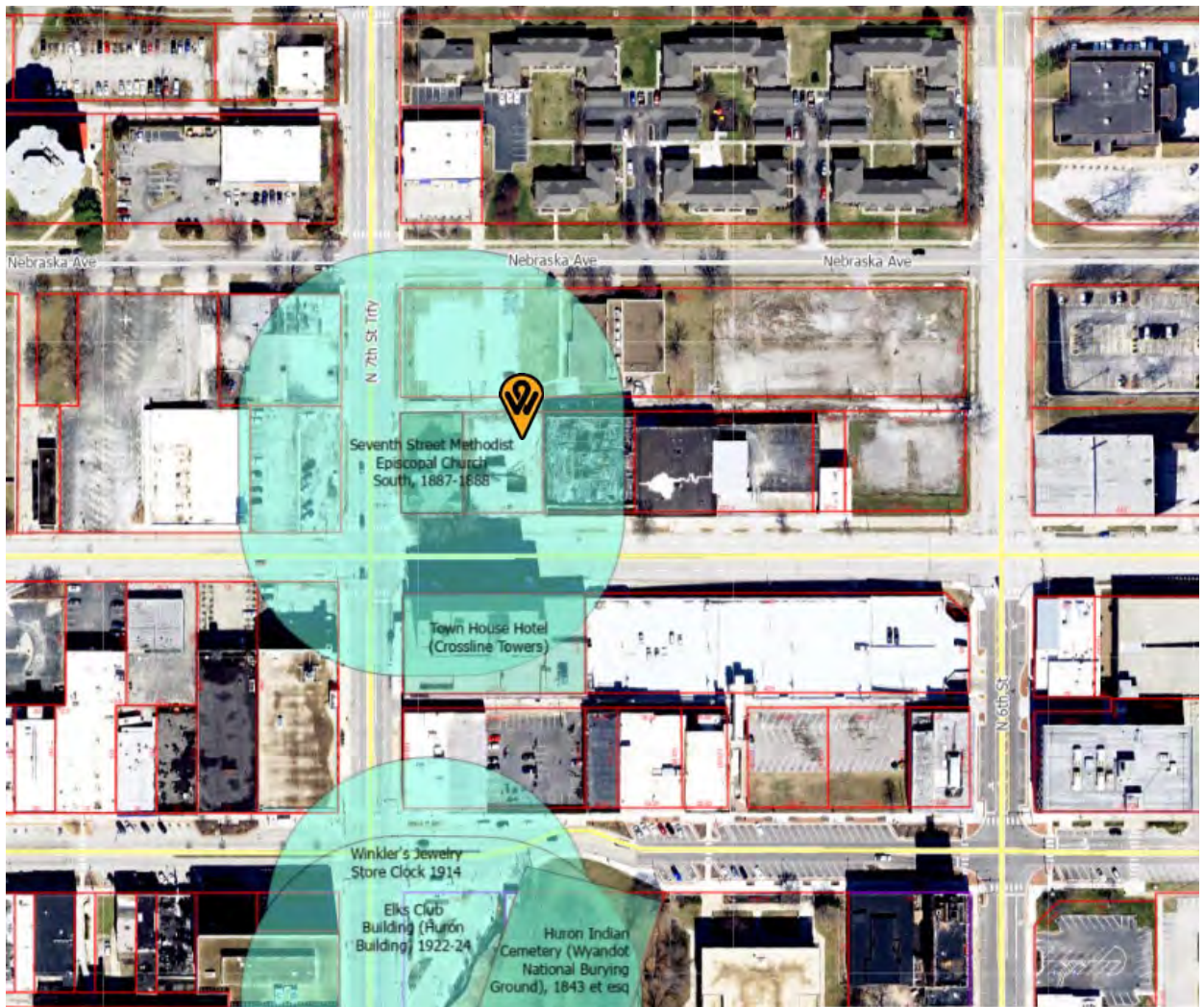


Figure 4. Historic Landmarks Map (provided by ArcGIS Pro).

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.
Kansas City, Kansas 66101

(913) 573-5550
(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. PR2023-044, MPL2023-020 Address: 645 Nebraska Avenue
Development Name: KELLY WINKLE Description: KCKCC Downtown Campus
STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

FOR STRUCTURES OVER 30 ft - 3 STORIES IN HEIGHT-

****Aerial Truck lane(s) must be 26' min clear width and be located between 15' and 30' to an entire side (long side) of the building per Sec. D105.1, 2018 IFC**

****For buildings or facilities over 62,000sf (124,000sf sprinkled) gross area, two separate code compliant access points must be provided separated by a distance equal to one-half the length of the maximum overall dimension of the property served per Sec. D104, 2018 IFC**

****Provide a fire truck turning drawing based on the following data:**

- | | |
|--------------------------------|--|
| -Length- 48' | -Inside turn radius- 31 ft |
| -Wheel base- 272.5 in. | -Wall to wall radius- 58 ft |
| -Front overhang- 96 in | -Aerial Ladder Overhang- 148" (@14' above grade) |
| (Front axle to bumper) | (Front axle to end of ladder above cab) |
| -Rear overhang-133.5 in. | -Minimum clearance(height between axles)-10" |
| -Width- 84 in | -Inside Cramp Angle- 44deg |
| -Minimum departure angle-7 deg | -Minimum approach angle- 7 deg |
| -Curb to curb radius- 50.5 ft | -Max weight-84,000lbs |

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields Digitally signed by Harvey Fields
Date: 2024.01.08 10:53:35 -06'00'

1/8/2024

Attending DRC Member:

Date

I, _____, as _____ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date

Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code

January 29, 2024

Byron Troy
Department of Planning + Urban Design
701 N 7th Street, Suite 423
Kansas City, KS 66101

RE: Petition PR2023-044 and Master Plan Amendment MPL2023-020

The following are our responses to your staff comments from your draft letter dated February 12, 2024.

GENERAL PLANNING

1. A Preliminary Plat or Vacation application shall be submitted to vacate the alley in between State Avenue and Nebraska Avenue.

Response: Acknowledged.

2. Because this parcel is designated as a Local Historic Landmark, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org.

Response: The Certificate of Appropriateness has been approved and released by the Unified Government.

3. Previous Conditions of Approval of CA2021-019:
 - a. The foundation stones, pews, stained glass, timbers, and red bricks be preserved and repurposed in a manner as described by the applicant in their proposal (and reflected in this report) and consistent with the final determinations of the HPDB;
 - b. As the applicant is proposing to demolish a historic landmark, the applicant must, regardless of cost, hire a certified historic preservationist who will document the entirety of the building and grounds and identify any and all significant archeological resources before a demolition permit can be issued;
 - c. No demolition permit for the building, portion of the building, or the site shall be granted until the funding goal for construction of the new KCKCC: Downtown campus/DCEHWC has been met, all planning entitlements have been granted, and all relevant building permits have been issued;
 - d. Historic preservation efforts as identified by the applicant shall be undertaken, including, but not limited to, the integration of historic artifacts into the design of the proposed building, the naming and use of the conference room within the building by the HPDB;
 - e. The applicant and the KCKCC must establish a historic preservation and design board ("HPDB" or "Board"). A Certificate of Appropriateness cannot be granted until HPDB members are selected, and rules of operation are established. The following conditions shall apply to the HPDB:
 - i. Members of the Board must include members of the Landmarks Commission, Department of Planning & Urban Design, members

representing organizations such as KCKCC, KCKCC's President's Downtown Advisory Council, KCK's downtown community, and other appropriate representatives;

- ii. The Board will be updated on the findings of the historic preservationist assigned with documenting the Seventh Street Methodist Episcopal Church, South Historic Landmark;
 - iii. The HPDB will have authority identify design elements for the proposed building as they relate to the preservation, incorporation, and display of features or elements of the Historic Landmark, and to make such recommendations to the DCEHWC Owners Condominium Association Board, with which reasonable recommendations will not be withheld;
 - iv. The Board may identify historic preservation deliverables and present said deliverables to the KCKCC for incorporation into the historic preservation course; and,
 - v. The Board will not be dissolved until after all elements of design and incorporation have satisfactorily been incorporated into the design of the proposed building and all building permits and a full Certificate of Occupancy has been successfully issued for the building; and,
- f. The proposed sculpture, "Destiny", or a reasonably similar sculpture piece must be incorporated into the DCEWHC campus, along with other artwork from the local community and in representation of the history and heritage of the Historic Landmark, the Downtown, and Kansas City, Kansas in general; and,
- g. The applicant must provide a Historic Structure Report for the Seventh Street Methodist Episcopal Church, South Historic Landmark. The Historic Structure Report must provide the documentary, graphic, and physical information about the history and existing condition of the building, the goals for the use or re-use of the property, a proposed treatment approach, a scope of work, and must be updated as work commences to record the processes undertaken and the changes made.

Response: Acknowledged.

3. Remove the two (2) ADA spaces from the northwest corner of the development, as the curb cut is too close to the 7th Street and Nebraska Avenue intersection and relocate the accessible spaces within the off-street parking lot.

Response: The comment from the street review stated parking needed to be a minimum of 25' from the intersection, and this parking meets that requirement. The west curb of the parking lot is 39' from the 7th Street curb.

4. Sec. 27-465(d)(1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled or service rendered which cannot be accommodated within a building. The Concrete Yard and Dirt Yard appear to be open to the elements and kept outside.

Response: The Concrete Yard is used as a service access for material deliveries to the building lab spaces. The Dirt Yard is used as part of the construction technology curriculum to educate students in the use of light industrial construction equipment. The area will be screened from public view and mitigation of dust will be within the property lines and not impact the public right-of-way.

5. Sec. 27-465(d)(2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood.

Response: Acknowledged.

6. Sidewalks within the campus need to tie into each other.

- a. The sidewalk on the east side of the Willa Gill building shall connect to the sidewalk on Nebraska Avenue.

Response: Acknowledged.

- b. Align the sidewalk north of the concrete yard to the ADA spaces behind the main campus building to establish a complete pedestrian connection.

Response: Acknowledged. There is a drive between the ADA spaces and the sidewalk north of the concrete yard. A crosswalk will be installed between the sidewalk and the ADA stalls across the drive.

7. Install crosswalk throughout the proposed vacated alley where sidewalks are perpendicular to each other.

Response: Acknowledged.

8. Repaint all crosswalks at the following intersections: 6th Street and Nebraska Avenue, 7th Street and Nebraska Avenue and 7th Street and State Avenue.

Response: Acknowledged. This will be noted on the final public improvement plans.

9. Lighting cannot exceed one (1) footcandle at the property line.

Response: Acknowledged. The photometric plan will be included in the final development plan submittal and will include property line and parking lot footcandle levels.

10. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood.

Response: Acknowledged. The parking lot pole fixtures will be full cutoff fixtures to reduce glare to surrounding neighborhoods. Backlight-uplight-glare ratings will be indicated for all pole fixtures in the final development plan submittal.

11. The proposed retaining wall along the west property line shall be stone masonry, not modular block, or concrete forms.

Response: Per discussion with Byron Toy, this comment was written in error and will be removed from the staff report.

12. All existing and future driveways must feature curb cuts that are constructed to UG standards.

Response: Acknowledged. This will be noted on the plans.

13. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokek.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.

Response: Acknowledged.

14. Subject to approval, the tenant(s) will need to file and maintain a current occupation tax application with the Business Licensing Division. We are located at the Neighborhood

Resource Center, 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or
businesslicense@wycokck.org.

Response: Acknowledged.

15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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.

Response: Acknowledged.

BUILDING ARCHITECTURE

1. Provide concrete and dirt yard elevations and cross section of what is visible from the proposed vacated alley and State Avenue.

Response: Sightline sections have been added to the plans.

2. Per the Downtown Area Plan Design Guidelines, large wall and roof planes visible from the public streets should be broken up by small off-sets or architectural details. Street wall planes over 750 square feet should have offsets and overhangs, window bays, or other ornamentation to break up the plane. Street-side roof planes greater than 500 square feet should be broken up by dormers, compound and intersecting planes, or other appropriate treatments.

Response: We believe the architectural design meets the intent of the design guidelines. Overhangs have been added along State Avenue, and the second floor of the 4-story building overhangs the first floor. In addition, the vertical windows and the anodized aluminum metal panel accents break up the wall planes.

3. Per the Downtown Area Plan Design Guidelines, building materials or applications such as Drivet, EIFS, stucco, wood/vinyl/metal siding, or hardy board should not occur on the first floor of any structures. Such materials and applications are acceptable as secondary accent materials on upper stories of buildings in the area.

Response: Acknowledged. The materials listed will only be used as accent materials at or above the second floor line.

4. The proposed garage/overhead doors shall match the adjacent exterior building façade color.

Response: Acknowledged. The proposed overhead doors will be prefinished or painted to match the adjacent surface.

5. The drive-through ATM pad site needs to comply with the Commercial Design Guidelines. Review Sec. 27-575 and Sec. 27-577 and if these standards cannot be met, the applicant must request specific deviations from the City Planning Commission.

Response: Acknowledged. The ATM pad site has been revised to show landscape plantings (sod & shrubs) in the parking islands to comply with the Commercial Design Guidelines. Decorative gravel is shown on the west and south perimeter to provide clear views immediately around the ATM for site users.

6. Downspouts shall be internalized.

Response: Acknowledged. Downspouts will be internalized.

LANDSCAPING AND SCREENING

1. Per the Downtown Area Plan, Balanced Streets 7th Street and State Avenue require an amenity zone (light poles and street trees) between the back of curb and pedestrian zone. 7th Street needs street trees between State Avenue and Nebraska Avenue to comply with this standard.

Response: 7th Street has been revised to include street trees to meet the intent of the Downtown Area Plan, while still allowing for required fire department access.

2. Install landscape plantings in the green space in the southwest corner of the development, north of the crosswalk on the east side of 7th Street.

Response: 7th Street has been revised to include street trees and plantings.

3. 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.

Response: Acknowledged. The landscape plan indicates the minimum sizes required for overstory trees, ornamental trees, evergreen trees, and shrubs.

4. All landscaping shall be irrigated.

Response: All new landscape plantings will be irrigated.

5. 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. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

Response: Acknowledged. The utility yard/trash receptacle enclosure at the northeast corner of the building sits approximately 10' below adjacent street level (Nebraska Avenue). It is surrounded on four (4) sides by a combination of retaining walls and fencing. The enclosure's gate faces away from Nebraska Avenue. A row of evergreen trees is provided on the west side where proposed utilities allow.

6. All electrical meter banks, typically on the side of the building shall be screened from public view.

Response: Acknowledged.

7. 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.

Response: Acknowledged. The utility yard/trash receptacle enclosure at the northeast corner of the building sits approximately 10' below adjacent street level (Nebraska Avenue). It is surrounded on four (4) sides by a combination of retaining walls and fencing. The enclosure's gate faces away from Nebraska Avenue. A row of evergreen trees is provided on the west side where proposed utilities allow.

All rooftop mechanical equipment will be screened from public view by the parapet of the building.

8. 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.

Response: Acknowledged. All rooftop mechanical equipment will be screened from public view by the parapet of the building.

9. Regarding the BPU transformer screening, the following applies:

- a. Gate doors are required for all types of screening that are placed in front of the transformers.

Response: Acknowledged.

- b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10-foot clearance from pad when gate door is open.

Response: Acknowledged.

- c. Posts for gate doors must be installed a minimum distance of 10 feet apart in front.

Response: Acknowledged.

- d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.

Response: Acknowledged.

- e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).

Response: Acknowledged.

- f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

Response: Acknowledged.

10. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval

before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy.

Response: Acknowledged.

11. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Response: Acknowledged.

SIGNAGE

1. 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.
 - a. It appears the wall signs on the west façade exceeds the C-D District requirement. Please review accordingly and make the necessary changes to comply with the sign ordinance.

Response: Acknowledged. All signs will be coordinated with the Department of Planning and Urban Design.

PLANNING ENGINEERING COMMENTS

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. None.
2. Items that are conditions of approval:
 - a. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - a. None.

Response: Acknowledged.

MINUTES:

Application Number MPL2023-020.

Master Plan Amendment from Downtown Mixed-Use (Downtown Area Plan) to Civic (Downtown Area Plan) to construct the Kansas City Kansas Community Education, Health and Wellness Center, Kansas City Kansas Community College (in conjunction with Preliminary Plan Review PR2023-044) at the following addresses:

- 600 State Avenue
- 612 State Avenue
- 624 State Avenue
- 632 State Avenue
- 646 State Avenue
- 645 Nebraska Avenue
- 1101 North 7th Street

Date and Location: Monday, January 29, 2024; held via zoom (recording available)

Meeting called to order at: 6:00 p.m.

Names of people in attendance:

Dr. Greg Mosier, Kansas City Kansas Community College
Dr. Shelley Kneuvean, Kansas City Kansas Community College
Dr. Scott Balog, Kansas City Kansas Community College
Whitney Bartelli, Vice President of Marketing, CommunityAmerica Credit Union
Angela Smart, Swope Health
Chris Davis, PGAV Architects
Sassan Mahobian, SKDG
Bruno Soria, SKDG
Flint Sutherland, McCownGordon Construction
Peter Ho, VISOR Consulting, LLC
Jamie Stadler, Copaken-Brooks

No Members of the Public Attended

Introductions:

Peter Ho opened the public meeting at 6:00 p.m. and stated the purpose of the meeting.

All members of the project team introduced themselves.

Mr. Ho asked if there were any members of the public in attendance, and there was none.

The hearing stayed open for 30 minutes at which time, Mr. Ho closed the public meeting at 6:30 p.m.

Meeting adjourned at: 6:30 p.m.

Minutes taken by: Dr. Shelley Kneuvean, Kansas City Kansas Community College

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Dr Shelley Knewman of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # MPL2023-020
2. That I conducted a neighborhood meeting on Jan 29 2024 6pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

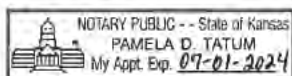
Further affiant saith not.



Affiant

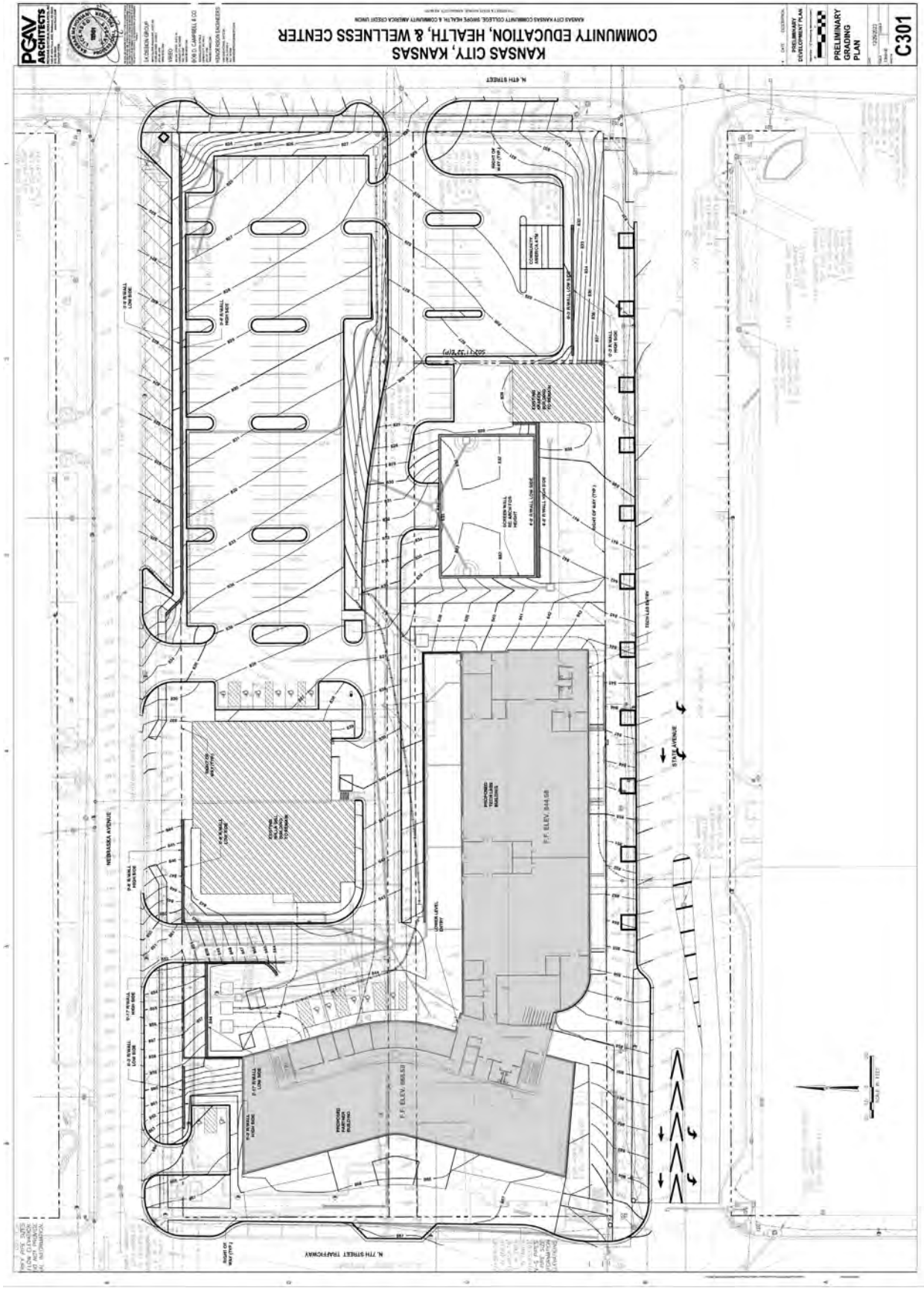
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 15th day of February, 2008, 2024.

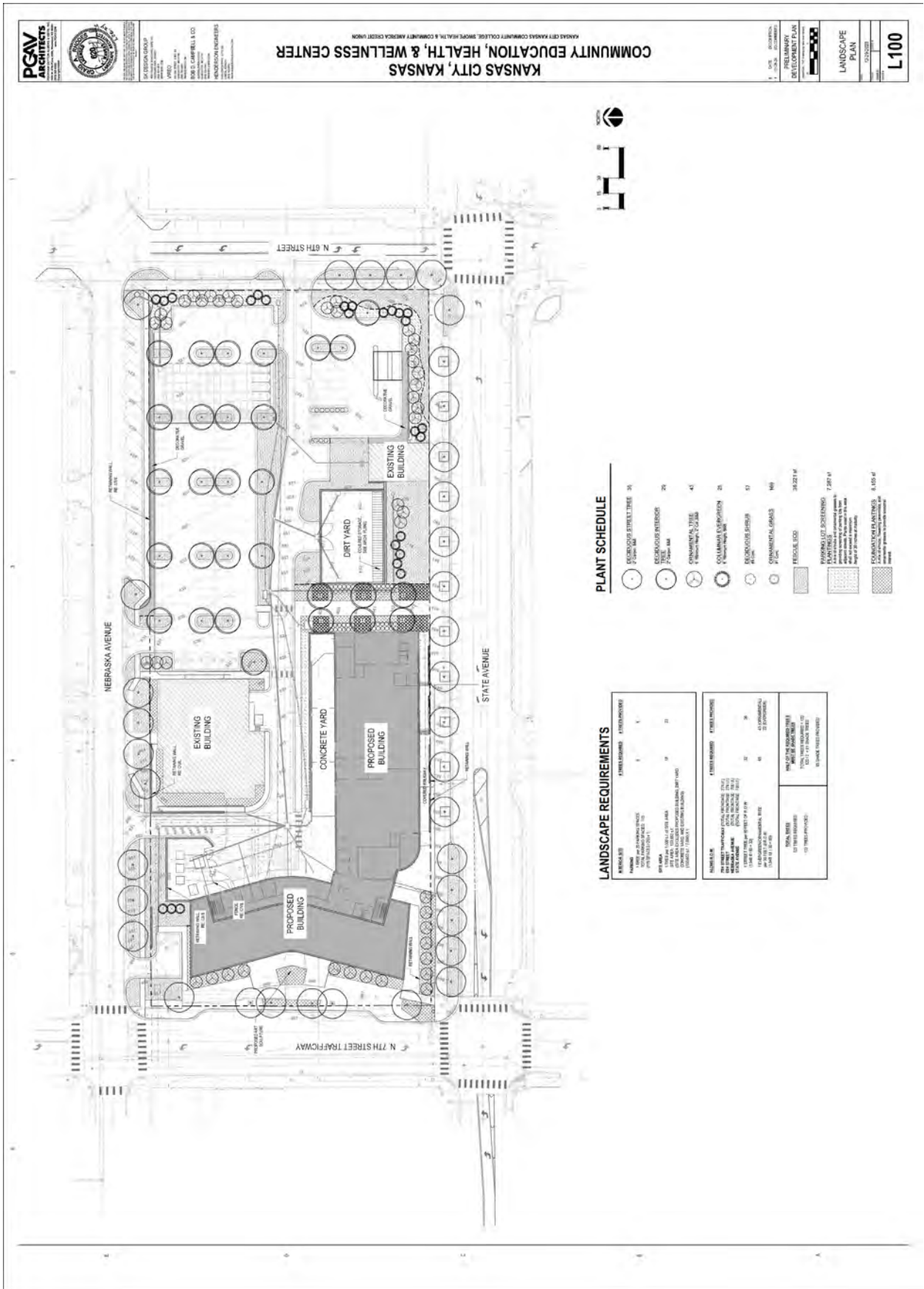
My commission expires 01 of July, 2008, 2024





Notary Public







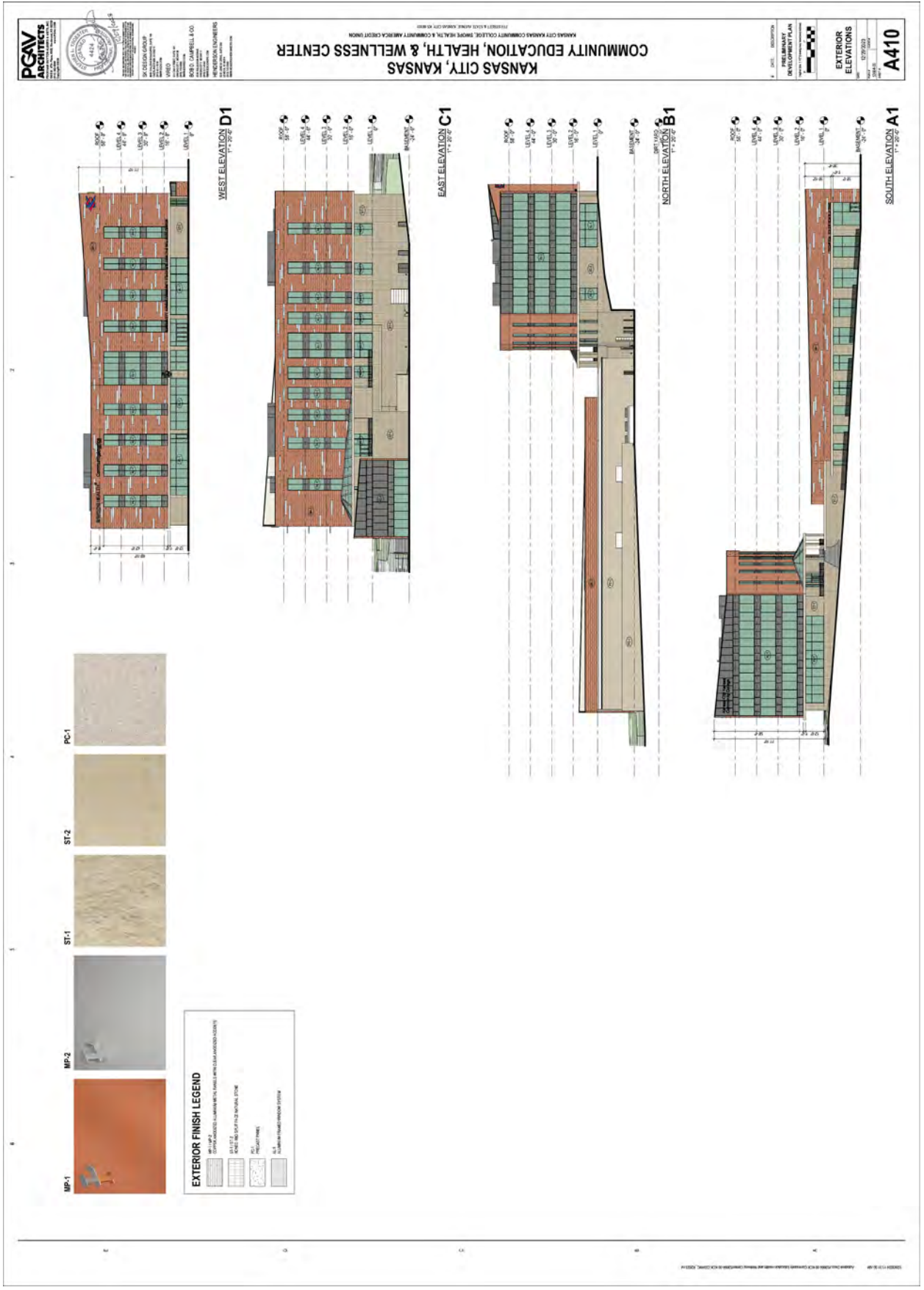




Figure 5. Site Photograph of proposed KCKCC Downtown Campus looking north at North 6th Street from State Avenue (provided by Planning Staff).



Figure 6. Site Photograph of proposed KCKCC Downtown Campus looking west from State Avenue (provided by Planning Staff).



Figure 7. Site Photograph of proposed KCKCC Downtown Campus looking northeast from State Avenue (provided by Planning Staff).



Figure 8. Site Photograph of proposed KCKCC Downtown Campus looking southeast from North 7th Street (provided by Planning Staff).



Figure 9. Site Photograph of proposed KCKCC Downtown Campus looking southwest from Nebraska Avenue (provided by Planning Staff).



Figure 10. Site Photograph of proposed KCKCC Downtown Campus looking south at North 6th Street from Nebraska Avenue (provided by Planning Staff).



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** each year, February is designated Black History Month, a time for honoring and exploring the culture and history of African Americans and recognizing that our society's rich diversity is one of our greatest strengths; and
- WHEREAS,** the origins of Black History Month date back to 1915 when Dr. Carter G. Woodson founded the organization known today as the Association for the Study of African American Life and History; and
- WHEREAS,** Black History Month began as "Negro History Week" in February 1926 in the United States; and
- WHEREAS,** in the 1960s, the week expanded into Black History Month as it coincides with the birthdays of Frederick Douglass (February 15) and Abraham Lincoln (February 12); and
- WHEREAS,** as we celebrate the history of Black Wyandotte Countians – brilliant African American artists, talented musicians, and successful business and industry leaders – may we also recognize the barriers they have overcome; and
- WHEREAS,** observing Black History Month provides opportunities to gain a deeper understanding of African American history and acknowledge the centuries of struggles for equality freedom; and
- WHEREAS,** Black History Month also celebrates the achievements and contributions that African Americans have made in shaping our country's communities; and
- WHEREAS,** we must not forget the men and women who worked tirelessly for freedom, civil rights, and equality for all people and whose deeds helped to broaden and enrich American culture.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim February 2024, as:

"BLACK HISTORY MONTH"

in Wyandotte County/Kansas City, Kansas, and urge all citizens to take cognizance of this event and participate fittingly in its observance. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



CONSENT AGENDA ITEM NO. 1

County Administrator's Office
David W. Johnston, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Economic Redevelopment Advisory Committee

INCUMBENT REPLACED: N/A - Newly created.

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Mike Kane

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Wendy Green

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/15/25

Mike Kane

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



County Administrator's Office
David W. Johnston, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Economic Redevelopment Advisory Committee

INCUMBENT REPLACED: N/A - Newly created.

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Bill Burns

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Ken Yarnevich

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/15/27

SIGNATURE OF APPOINTING COMMISSION MEMBER

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DATE: 2/20/24

BOARD POSITION: Economic Redevelopment Advisory Committee

INCUMBENT REPLACED: N/A - Newly created.

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Gayle E. Townsend

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Gordon Criswell

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/15/25

SIGNATURE OF APPOINTING COMMISSION MEMBER

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NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Economic Redevelopment Advisory Committee

INCUMBENT REPLACED: N/A - Newly created.

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Phil Lopez

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Tim King

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/15/27

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Community Benefit Advisory Board

INCUMBENT REPLACED: N/A – Newly Created

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Bill Burns

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Mary Dorr

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/31/24

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Community Benefit Advisory Board

INCUMBENT REPLACED: N/A – Newly Created

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Andrew Davis

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Devaney Cole

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/31/24

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Community Benefit Advisory Board

INCUMBENT REPLACED: N/A – Newly Created

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Gayle E. Townsend

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Stefon King

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/31/24

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Advisory Board on Human Relations and Disabilities

INCUMBENT REPLACED: Louise Lynch

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Phil Lopez

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Stephanie Barton

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/15/27

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Advisory Board on Human Relations and Disabilities

INCUMBENT REPLACED: VACANT

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Tom Burroughs

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Claudine (Dinie) Sanders

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/15/25

SIGNATURE OF APPOINTING COMMISSION MEMBER

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NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Wyandotte/Leavenworth Area Wide Advisory Council on Aging

INCUMBENT REPLACED: Bette McGill

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Phil Lopez

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Jamey Rodriguez

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/15/27

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Park Board

INCUMBENT REPLACED: Carolyn Wyatt

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Gayle E. Townsend

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Kevin Mitchell

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/15/25

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Self-Supported Municipal Improvement District (SSMID)

INCUMBENT REPLACED: VACANT

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Evelyn Hill

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Clayton Hunter

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/15/27

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/22/24

BOARD POSITION: Housing Authority

INCUMBENT REPLACED: Rachel Jefferson

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Gayle E. Townsend

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Dr. Nozella Brown

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/15/25

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Phone: (913) 573-5030
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NOTICE OF PENDING APPOINTMENT

DATE: 2/20/24

BOARD POSITION: Landmarks Commission

INCUMBENT REPLACED: VACANT

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Tom Burroughs

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Kevin Steele

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 2/29/24 – 12/15/25

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

February 22, 2024

Ms. Monica Sparks
Interim Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **HOMEFIELD ATLAS 9**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of HOMEFIELD ATLAS 9 located at 98TH Street and State Avenue, being developed by HFS KCK LLC.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson

Digitally signed by Brent E. Thompson
DN: cn=US,
E=bthompson@wycokck.org,
O=Unified Government, OU=County
Surveyor, CN=Brent E. Thompson
Date: 2024.02.22 14:46:37-06'00'

Brent E. Thompson, P.S.
County Surveyor

Troy Shaw

Digitally signed by Troy
Shaw
Date: 2024.02.23
10:11:52-06'00'

Troy Shaw, P.E.
County Engineer

Attachments

HOMEFIELD ATLAS 9

REPLAT OF A PORTION OF LOT 3,
SCHLITTERBAHN VACATION VILLAGE, SECOND PLAT
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

SE, Cor. Lot 1,
HOMEFIELD CAMPING
WORLD SECOND PLAT

N. 98TH STREET

L=730.07'
R=425.00'
CB=S 50°07'09" E
CD=643.56'

Found A 1/2"Ø Rebar With
A Yellow Cap Stamped
Olson LS 114

Found A 1/2"Ø Rebar With
A Yellow Cap Stamped
Olson LS 114

N 00°36'00" W
485.36'

SCHLITTERBAHN
VACATION VILLAGE
SECOND PLAT
LOT 3

POINT OF COMMENCING
SW Corner Lot 3
Schlitterbahn Vacation Village, Second Plat

477.94'
N 89°28'06" E

N 89°28'06" E
50.83'

STATE AVENUE

S 89°28'06" W
464.33'

Found A 1/2"Ø Rebar With
A Yellow Cap Stamped
Olson LS 114

S 00°54'27" E
42.75'

S 44°25'59" W
35.90'

1/2" Rebar w/
LC 114 Cap

SOUTHWEST CORNER OF THE SOUTHEAST QUARTER
OF SECTION 1 TOWNSHIP 11 SOUTH RANGE 23
EAST
FND 3" ALUMINUM DISK IN MONUMENT BOX



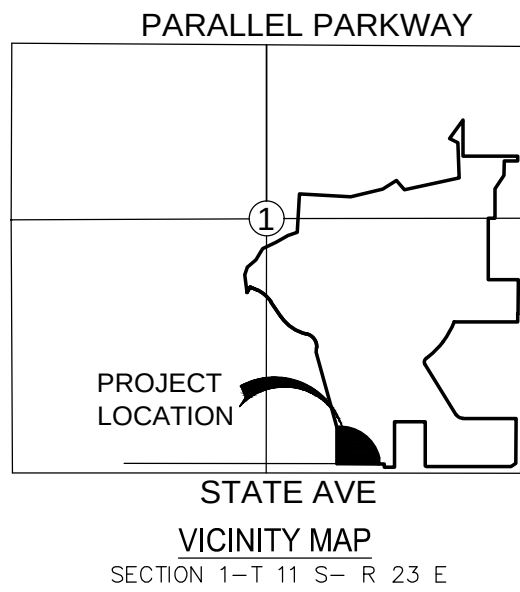
Know what's below.
Call before you dig.



GRAPHIC SCALE



(IN FEET)



Section Corner References

SW, Corner, SE, 1/4, Sec. 01 - (23E) - Township 11 South - Range 23 East

Found 3" Aluminum Disk in Monument Box

R1: 70.59 feet Northeast to a chiseled cross on the top center front face of Curb Inlet.
R2: 53.73 feet Southeast to a Magnetic Nail and Shiner found in mid-radius of curb.
R3: 80.01 feet Southwest to a chiseled cross in top North-Northeast Flange Bolt of Fire Hydrant.
R4: 73.31 feet West-Northwest to a chiseled cross found in nose of concrete island
R5: 91.76 feet Northwest to chiseled cross found on Southeast face of Area Inlet

SURVEYOR'S REPORT:

- The basis of bearings on this survey is Kansas Regional Coordinate System, Zone 11, NAD 83. Vertical Control is based on North American Vertical Datum, NAVD 1988.
- 1/2" x 24" rebar with cap stamped KS LS-78 have been set at all property corners unless otherwise noted.
- The site address is 9700 State Avenue, as shown on the Wyandotte County GIS Website
- The property lies in Zone X (NO SCREEN), "Area of Minimal Flood Hazard," as shown on Flood Insurance Rate Map 20209C0131E effective September 2, 2015.
- The gross land area is 200,963.78 square feet or 4.61 acres, more or less.
- The undersigned owner of the above described tract of land hereby consent and agree that the Governing Body of any special assessment district shall have the power to release land herein before dedicated for streets and public ways, or parts thereof, for public use, from the lien and effect of any special assessment shall be reapportioned.
- The error of closure for this plat is 1 part in:260,913.72', Error distance: 0.01', Error direction:S 80°47'36" E

LEGEND

- FOUND MONUMENT 1/2" x 24" REBAR AND CAP CCEI 1351 UNLESS NOTED OTHERWISE
- SET 1/2" x 24" REBAR AND CAP STAMPED KS LS-78
- U/E UTILITY EASEMENT
- (M) MEASURED
- (P) RECORD MEASUREMENT- PLAT
- (CM) CALCULATED FROM MEASUREMENTS
- B/L BUILDING SETBACK LINE

OWNER

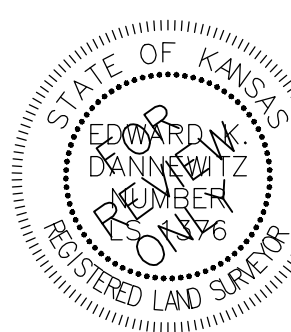
HFS KCK, LLC, a Kansas Limited Liability Company
529 W. Pennway St., Suite 300
Kansas City, Missouri 64108
816-897-7790
Greg Maday

SURVEYOR/ENGINEER

Continental Consulting Engineers, Inc.
11006 Parallel Parkway.
Kansas City, Kansas 66109
913-642-6642
Edward K. Dannewitz, P.L.S.

SURVEYOR'S CERTIFICATE

I hereby certify that I am a duly Registered Land Surveyor under the laws of the State of Kansas, and that to the best of my knowledge this survey meets or exceeds the current minimum standards for property boundary surveys, and that said survey was conducted under my direct supervision.



EDWARD K. DANNEWITZ
LS-1376
survey@ccengineers.com



9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
TEL. (913) 642-6642
FAX (913) 642-6941
www.ccengineers.com

PROJECT:
ATLAS 9
9700 STATE AVE.
KANSAS CITY, KS 66114

CONTINENTAL CONSULTING ENGINEERS, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY KANSAS STATE CERTIFICATE OF AUTHORIZATION NO. LS-78. EXPIRES 12/31/24

PREPARED FOR:
HFS KCK, LLC
529 W. Pennway St., Ste. 300
Kansas City, MO 64108

PROJECT NO. 2110-45
DRAWN BY E. DANNEWITZ
CHECKED BY
CFN ATLAS9_REPLAT
SHEET 1 OF 1

PROPERTY DESCRIPTION

A tract of land located in the Southeast Quarter of Section 1, Township 11 South, Range 23 East and being a portion of Lot 3, Schlitterbahn Vacation Village, Second Plat, a subdivision in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof and being more particularly described as follows:

COMMENCING at the Southwest corner of said Lot 3; thence North 89°28'06" East, along the South line of said Lot 3 and the Northerly right-of-way line of State Avenue as it currently exists, a distance of 477.94 feet to the POINT OF BEGINNING; thence North 00°36'00" West, a distance of 485.36 feet to the Northerly line of said Lot 3 and the Southerly right-of-way of North 98th Street as it currently exists; thence Southeasterly, along said Southerly right-of-way line and the Northerly line of said Lot 3 and its prolongation Southerly, along a curve to the right, having an Chord Bearing of South 50°07'09" East, a Chord Distance of 643.56 feet, a radius of 425.00 feet, on arc length of 730.07 feet; thence South 00°54'27" East, a distance of 42.75 feet; thence South 44°25'59" West, a distance of 35.90 feet to the Easterly prolongation of the Northerly right-of-way line of said State Avenue; thence South 89°28'06" West, along the Northerly right-of-way line of said State Avenue and its Easterly prolongation thereof, a distance of 464.33 feet to the Point of beginning and containing 200,963.78 square feet or 4.61 acres more or less.

OWNERS CERTIFICATION AND DEDICATION

We, the undersigned, certify that we are the owners of the above described land, and that we have caused these tracts of land to be subdivided as shown on this plat that it shall hereafter be known as "HOMEFIELD ATLAS 9".

In testimony whereof: HFS KCK, LLC, a Kansas Limited Liability Company, has caused these presents to be signed by Greg Maday, Manager of HFS KCK, LLC, this day of _____, 2024

By _____
Greg Maday, Manager of HFS KCK, LLC

STATE OF _____)
JSS

COUNTY OF _____)

BE IT REMEMBERED that on this _____ day of _____, 2024, before me, a notary public in and for said County and State, came Greg Maday, Manager of HFS KCK, LLC who signed the foregoing instrument in my presence, and duly acknowledged the same on behalf of the company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal the day and year above written.

Notary Public My appointment expires:

An easement is hereby granted to the Unified Government of Wyandotte County/Kansas City, Kansas, and all public utility companies duly licensed to do business in the City of Kansas City, Kansas, to enter upon, construct and maintain pipes, manholes, poles, wires, anchors, etc. upon, over and under those areas outlined and designated on this plat as "Utility Easement" (U/E), "Access Easement" (A/E), and "Sanitary Sewer Easement" (SS/E).

APPROVALS:

This plat of HOMEFIELD ATLAS 9, has been submitted to and approved by the Unified Government of Wyandotte County/Kansas City, Kansas Planning Commission.

Dated this _____ day of _____, 2024

Wyandotte County / Kansas City, Kansas Planning Commission

By _____, Chairman _____, Secretary
Jeff Carson, Chairman Gunnar Hand, AICP

Recommended for approval by the County Engineer, this _____ day of _____, 2024

Troy Shaw, P.E., County Engineer

This survey has been reviewed for filing, pursuant to KSA 58-2003, 58-2005, and 58-2011 for content only and is in compliance with those provisions. No other warranties are extended or implied.

Reviewed by _____, County Surveyor, Date _____
Brent E. Thompson, KS. PLS #1277

The dedications shown hereon, if any, are accepted this _____ day of _____, 2024

Tyrone Garner, Mayor/CEO Monica Sparks, Interim Unified Clerk

REGISTER OF DEEDS:

This is to certify that this instrument was filed for record in the Register of Deeds Office, on this _____ day of _____, 2024, at _____ o'clock and is duly recorded.

Susie P. Nelson, Register of Deeds

Margaret A. Orendac, Deputy



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

February 22, 2024

Ms. Monica Sparks
Interim Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **VUE39**

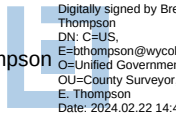
Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of VUE39 located at West 39th Avenue and Booth Street, being developed by Avenue Living U.S Operating LP No 5.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,


Brent E. Thompson
Digitally signed by Brent E. Thompson
DN: C=US,
E=bthompson@wycokck.org,
O=Unified Government,
OU=County Surveyor, CN=Brent E. Thompson
Date: 2024.02.22 14:41:57-06'00'

Brent E. Thompson, P.S.
County Surveyor


Digitally signed by Troy Shaw
Date: 2024.02.23
10:12:40-06'00'

Troy Shaw, P.E.
County Engineer

Attachments

FINAL PLAT OF
VUE39 REPLAT
A REPLAT OF VUE39 CONDOMINIUM, A CONDOMINIUM PLAT
IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF
SECTION 34, TOWNSHIP 11 SOUTH, RANGE 25 EAST,
IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4
OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 25 EAST,
(AS SHOWN ON FINAL PLAT OF VUE39 CONDOMINIUM,
DOCUMENT NO. 2008R-10749 IN BOOK 42 AT PAGE 138)

S 87°56'20" W (PLAT=N 89°52'14" W)
WEST 38TH AVE

SET COTTON GIN SPINDLE
ON PROPERTY CORNER

(PLAT=S 89°58'09" E)
N 87°50'16" E 141.52'

POINT OF BEGINNING
FOUND 1/2" STEEL ROD WITH
CAP STAMPED "PLS 419" ON
PROPERTY CORNER

FOUND MAG NAIL & WASHER IN
SOUTHWEST FACE OF 12" TREE
6.55' NORTHWEST OF SECTION
CORNER

S 87°55'44" W 688.55'
(PLAT=N 89°52'14" W)

FOUND 1" PIPE
1.92' WEST OF
SECTION CORNER

POINT OF COMMENCEMENT
NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE
NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 11 SOUTH,
RANGE 25 EAST (AS SHOWN ON FINAL PLAT OF
VUE39 CONDOMINIUM, DOCUMENT NO. 2008R-10749 IN
BOOK 42 AT PAGE 138)
FOUND 1/2" STEEL ROD

FOUND MAG NAIL & WASHER IN
SOUTHEAST FACE OF 8" TREE
10.65' NORTHEAST OF SECTION CORNER

FOUND MAG NAIL & WASHER IN
SOUTH FACE OF 24" TREE
24.76' EAST OF SECTION CORNER

DESCRIPTION:

ALL OF VUE39 CONDOMINIUM, A CONDOMINIUM SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 25 WEST, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE SOUTH 87°-56'-20" WEST ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 688.55 FEET; THENCE SOUTH 1°-58'-30" EAST, A DISTANCE OF 31.89 FEET TO THE NORTHEAST CORNER OF SAID VUE39 CONDOMINIUM, AND THE SOUTH RIGHT OF WAY LINE OF WEST 38TH AVENUE AS NOW ESTABLISHED, AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE CONTINUING SOUTH 1°-58'-30" EAST ALONG THE EAST LINE OF SAID VUE39 CONDOMINIUM, AND ALONG THE WEST RIGHT OF WAY LINE OF BOOTH STREET, AS NOW ESTABLISHED, A DISTANCE OF 439.91 FEET TO THE SOUTHEAST CORNER OF SAID VUE39 CONDOMINIUM, AND THE NORTH RIGHT OF WAY LINE OF WEST 39TH STREET, AS NOW ESTABLISHED; THENCE SOUTH 88°-01'-41" WEST ALONG THE SOUTH LINE OF SAID VUE39 CONDOMINIUM, AND ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 141.69 FEET TO THE SOUTHWEST CORNER OF SAID VUE39 CONDOMINIUM; THENCE NORTH 1°-57'-10" WEST, ALONG THE WEST LINE OF SAID VUE39 CONDOMINIUM, A DISTANCE OF 439.44 FEET TO THE NORTHWEST CORNER OF SAID VUE39 CONDOMINIUM, AND SAID SOUTH RIGHT OF WAY LINE OF WEST 38TH STREET; THENCE NORTH 87°-50'-16" EAST ALONG THE NORTH LINE OF SAID VUE39 CONDOMINIUM, AND ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 141.52 FEET TO THE POINT OF BEGINNING. CONTAINING 62,250 SQUARE FEET OR 1.429 ACRES, MORE OR LESS.

THE ABOVE DESCRIPTION HAS BEEN PREPARED BY ANDERSON SURVEY COMPANY.

PLAT DEDICATION:

THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION SHALL BE HEREAFTER KNOWN AS: **"VUE39 REPLAT"**.

EASEMENT INFORMATION:

THE EASEMENT INFORMATION SHOWN HEREON HAS BEEN TAKEN FROM AN ALTA COMMITMENT FOR TITLE INSURANCE, ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1041324-KCTY, DATED DECEMBER 7, 2020, AND FROM THE FINAL PLAT OF VUE39 CONDOMINIUM, RECORDED AS DOCUMENT NO. 2008R-10749 IN BOOK 42 AT PAGE 138.

FLOOD INFORMATION:

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 20209CD190D, DATED SEPTEMBER 2, 2011, THIS PROPERTY LIES WITHIN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN THEREON.

ZONING INFORMATION:

ACCORDING TO THE KANSAS CITY, KANSAS ZONING MAP VIEWER (maps.viewprogis.com/ecp/kansascity-ks), THE SUBJECT PROPERTY IS ZONED RP-5 (PLANNED APARTMENT DISTRICT).

NOTES:

- ANDERSON SURVEY COMPANY HAS NOT BEEN ABLE TO OBTAIN THE RIGHT OF WAY DOCUMENTS FOR WEST 38TH AVENUE, WEST 39TH AVENUE OR BOOTH STREET. THE RIGHT OF WAY LINES SHOWN HEREON WERE TAKEN FROM THE FINAL PLAT OF VUE39 CONDOMINIUM, RECORDED AS DOCUMENT NO. 2008R-10749 IN BOOK 42 AT PAGE 138.
- THE SUBJECT PROPERTY CONTAINS 62,260 SQUARE FEET OR 1.429 ACRES, MORE OR LESS.
- THE ADDRESS OF THE SUBJECT PROPERTY IS 3808 BOOTH STREET, KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

PLANNING COMMISSION CERTIFICATION:

THIS PLAT OF **VUE39 REPLAT** HAS BEEN SUBMITTED TO AND APPROVED BY THE WYANDOTTE COUNTY/KANSAS CITY, KANSAS PLANNING COMMISSION.

DATED THIS _____ DAY OF _____, 2023.

WYANDOTTE COUNTY/KANSAS CITY, KANSAS PLANNING COMMISSION

JEFF CARSON, CHAIRMAN

GUNNAR HAND, AICP, SECRETARY

DEDICATIONS:

THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED THIS _____ DAY OF _____, 2023.

TYRONE GARNER, MAYOR/CEO

MONICA SPARKS, INTERIM UNIFIED CLERK

ENGINEER CERTIFICATION:

RECOMMENDED FOR APPROVAL BY THE WYANDOTTE COUNTY/KANSAS CITY, KANSAS, ENGINEER, THIS _____ DAY OF _____, 20_____.

TROY SHAW, COUNTY ENGINEER

COUNTY SURVEYOR APPROVAL:

THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSA 58-2003, 58-2005, AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

REVIEWED BY _____ DATE: _____
BRENT E. THOMPSON, KS P.L.S. 1277

IN WITNESS WHEREOF:

THE UNDERSIGNED OWNERS HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2023:

STATE OF KANSAS)
COUNTY OF WYANDOTTE) S.S.

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME _____ TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF SAME. IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR WRITTEN ABOVE.

NOTARY PUBLIC

MY APPOINTMENT EXPIRES: _____

THE BEARING SYSTEM SHOWN
HEREON IS BASED ON THE
KANSAS COORDINATE SYSTEM
OF 1983, NORTH ZONE.

OWNER:
SPRING VALLEY
APARTMENTS, INC.

ROSEDALE PARK
BLOCK 1

CORNER OF WALL IS 0.21'
EAST OF PROPERTY LINE

CORNER OF WALL IS 0.12'
WEST OF PROPERTY LINE

RETAINING WALL AGREEMENT
BY BOOK 2376 AT PAGE 647

25' ZONING SETBACK

TERMS AND PROVISIONS OF THE CABLE
TELEVISION INSTALLMENT AGREEMENT
BY BOOK 3297 AT PAGE 478

BOARD OF PUBLIC UTILITIES
POWER EASEMENT BY
INSTRUMENT NO. 1213778 IN
BOOK 3783 AT PAGE 728

25' ZONING SETBACK

BOOTH STREET

S 1°58'30" E 439.91'
(PLAT=S 0°15'48" W)

CORNER OF WALL IS 1.8'
EAST OF PROPERTY LINE

FOUND 1/2" STEEL ROD
WITH CAP STAMPED
"PLS 1340 ABBOTT"
ON PROPERTY CORNER

FOUND CHISELED NOTCH
IN CURB 8.50' SOUTH
OF PROPERTY CORNER
(UNKNOWN ORIGIN)

S 88°01'41" W 141.69'
(PLAT=N 89°46'43" W)

WEST 39TH AVENUE

25.00'

25.00'

25.00'

25.00'

25.00'

25.00'

25.00'

25.00'

25.00'

25.00'

25.00'

25.00'

25.00'

25.00'

25.00'

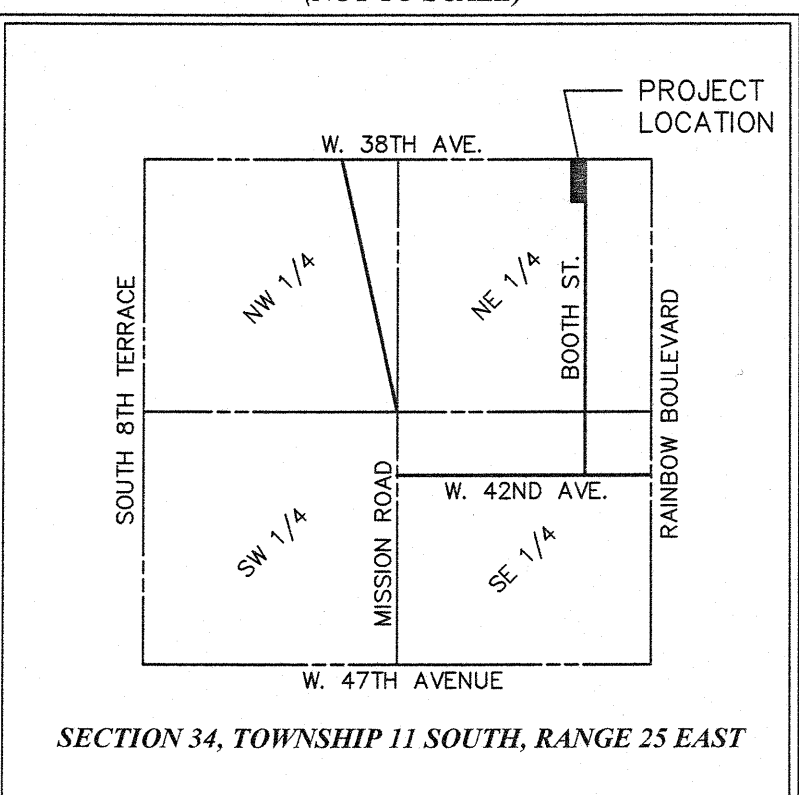
25.00'

25.00'

CLOSURE ERROR:

TOTAL ERROR DISTANCE = 0.00032'
TOTAL PERIMETER DISTANCE = 1162.56'
CLOSURE ERROR RATIO = 1:3,633,000

VICINITY MAP
(NOT TO SCALE)





**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

February 22, 2024

Ms. Monica Sparks
Interim Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **McGREW GROVE**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of McGREW GROVE located at Quindaro and North Hallock Street, being developed by Southwest Boulevard Family.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson

Digitally signed by Brent E. Thompson
DN: c=US,
E=bthompson@wycokck.org,
O=Unified Government, OU=County
Surveyor, CN=Brent E. Thompson
Date: 2024.02.22 14:40:31-06'00'

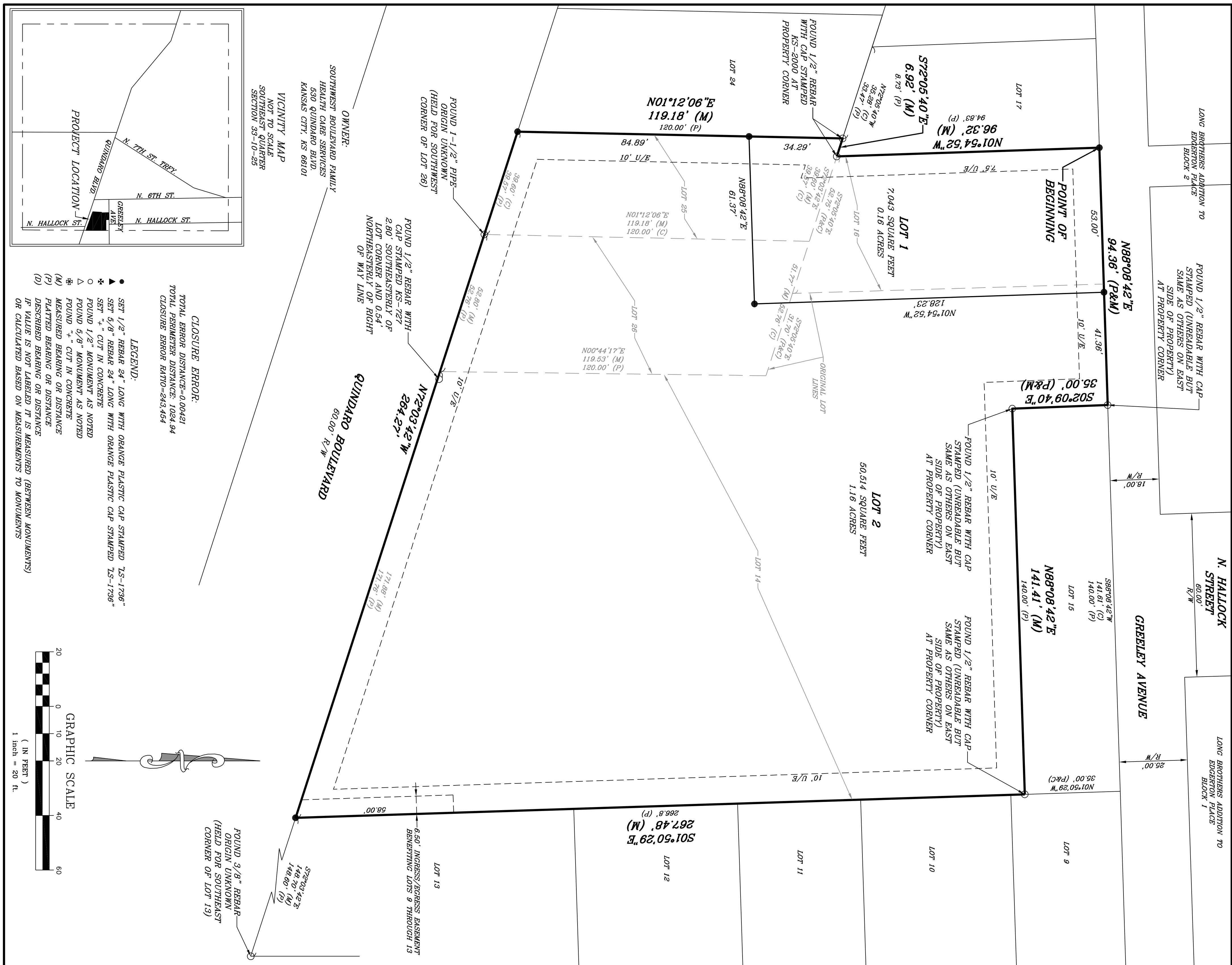
Brent E. Thompson, P.S.
County Surveyor

Troy Shaw

Digitally signed by
Troy Shaw
Date: 2024.02.23
10:10:20-06'00'

Troy Shaw, P.E.
County Engineer

Attachments



FINAL PLAT
MCGREW GROVE
REPLAT OF LOTS 14, 16, 25 AND 26
A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 SOUTH,
RANGE 25 EAST, OF THE 6TH PRINCIPLE MERIDIAN, IN KANSAS CITY, WYANDOTTE
COUNTY, KANSAS

PROPERTY DESCRIPTION: A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 16, THENCE N89°04'42"E, ALONG THE NORTHERLY LINE OF SAID LOT 16, A DISTANCE OF 94.38 FEET TO A NORTHERLY CORNER OF SAID LOT 14, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 15, SAID ACRES BEING: THENCE S02°09'40"E, ALONG THE LINE COMMON TO SAID LOTS 14 AND 15, A DISTANCE OF 35.00 FEET TO THE SOUTHWESTERN CORNER OF SAID LOT 15, THENCE N89°04'42"E, ALONG THE LINE COMMON TO SAID LOTS 14 AND 15, A DISTANCE OF 144.41 FEET TO THE SOUTHWESTERN CORNER OF SAID LOT 15, THENCE S02°09'40"E, ALONG THE WESTERLY LINE OF SAID LOT 14, A DISTANCE OF 367.48 FEET TO A NORTHERLY CORNER OF SAID LOT 14, THENCE N72°03'42"W, ALONG THE WESTERLY LINE OF SAID LOT 14, A DISTANCE OF 264.67 FEET TO THE SOUTHWESTERN CORNER OF SAID LOT 28, THENCE N01°12'06"E, ALONG THE WESTERLY LINE OF SAID LOT 28, A DISTANCE OF 107.12 FEET TO THE SOUTHWESTERN CORNER OF SAID LOT 16, THENCE N01°34'02"W, ALONG THE WESTERLY LINE OF SAID LOT 16, A DISTANCE OF 96.12 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION WAS PREPARED BY ROBERT G. YOUNG, LS-1726.

BOUNDARY SURVEY NOTES:
1. THE POSITION OF EXISTING CONCENTRATION, IF NOT THE TRUE CORNER, IS BY DIFFERENCES IN COORDINATES OR AT RIGHT ANGLES TO THE PROPERTY LINE AT THE NOTED DISTANCE FROM THE NEAREST BOUNDARY CORNER.
2. THE DESCRIPTION USED FOR THIS SURVEY WAS DERIVED FROM THE PLAT OF MCGREW GROVE.
3. THE BEARINGS SHOWN HEREON ARE ASSUMED BEARING RESULTING IN A BEARING OF OF N89°04'42"E, ALONG THE NORTH LINE OF LOTS 14 AND 16.
4. THE LOCATION OF EXISTING STRUCTURES SHOWN HEREON IS AT RIGHT ANGLES (90°) TO STRAIGHT PROPERTY LINES OR RADIAL TO CURVED PROPERTY LINES.
5. ACCORDING TO THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY PANEL NUMBER 90-010, COUNTY-NAME, PANEL NUMBER 2020090006, MAP REVISION REPERARY 5, 2014, THE SUBJECT PROPERTY IS IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
IN WITNESS WHEREOF, _____ DAY OF _____, 2022.

LISA HARVEY,
 CEO OF SOUTHWEST BOUTLEHARD FAMILY HEALTH CARE SERVICES
 STATE OF KANSAS)
 COUNTY OF WYANDOTTE) ss
 ON THIS _____ DAY OF _____ 202____, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME LISA HARVEY, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND DULY ACKNOWLEDGED THE EXECUTION OF THE SAME. IN TESTIMONY WHEREOF I HAVE HEREINTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR WRITTEN ABOVE.

MY APPOINTMENT EXPIRES: _____
 NOTARY PUBLIC _____

PLAT DEDICATION: THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION SHALL BE HEREAFTER KNOWN AS: "MCGOWAN GROVE, REPLAT OF LOTS 14, 16, 25 AND 26"

AN AGREEMENT IS HEREBY MADE BETWEEN THE UNITED GOVERNMENT OF WYANDOTTE COUNTY, KANSAS, CITY OF KANSAS, AS TRUSTEES OF THE PUBLIC, FOR LOCATING, CONSTRUCTION, OPERATING, AND MAINTAINING FACILITIES FOR WATER, GAS, ELECTRICITY, SEWAGE, TELEPHONE, CABLE TV, AND SUBURBAN DRAINAGE, INCLUDING BUT NOT LIMITED TO UNDERGROUND PIPES AND CONDUITS, AND MOVING TRANSPORTATION SERVICES, POSTOFFICES, ANY OR ALL OF THEM UNDER, OVER, UNDER AND ALONG THE STRIPS OF LAND DESIGNATED AS UTILITY RIGHTS-OF-WAY (U/R) WHERE ALL OBSTRUCTIONS WHICH WOULD INTERFERE WITH THE CONSTRUCTION OR RECONSTRUCTION, PROPER, SAFE, AND CONTINUOUS MAINTENANCE OF THE ABOVE SAID U/R'S AND SPECIFICALLY ALL OBSTRUCTIONS WHICH WOULD INTERFERE WITH ANY STRUCTURE (EXCEPT DRIVEWAYS, PAVED AREAS, GRASS, SHRUBS AND FENCES) NOW SHALL THERE BE ANY OBSTRUCTION TO INTERFERE WITH THE AGENTS AND EMPLOYEES OF UNITED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND ITS FRANCHISED UTILITIES FROM GOING UNDER SAID EASEMENT. THE AGENTS AND EMPLOYEES OF THE UNITED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, SHALL BE PERMITTED TO LOCATE, CONSTRUCT, OPERATE, MAINTAIN AND REPAIR ANY AND ALL UTILITIES WHICH WILL BE PERMITTED TO BE LOCATED, CONSTRUCTED, OPERATED, MAINTAINED AND REPAIRED UNDER THE EARTH COVERAGE OVER THE UTILITIES ABOVE STATED OR THE APPEARANCES THEREOF WITHOUT THE NEED OF AN ORDER FROM THE UNITED GOVERNMENT, KANSAS.

ZONING INFORMATION: ACCORDING TO THE KANSAS CITY, KANSAS ZONING MAP VIEWER, THE SUBJECT PROPERTY IS ZONED RP-5.

PLANNING COMMISSION CERTIFICATION:
THIS PLAT OF "BEECHER GROVE, REPLAT OF LOTS 14, 16, 26 AND 28" HAS BEEN SUBMITTED TO AND APPROVED BY THE UNITED GOVERNMENT OF WYANDOTTE COUNTY, KANSAS CITY, KANSAS PLANNING COMMISSION.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS PLANNING COMMISSION

JEFF CARSON, CHAIRMAN

GUNNAR HAND, AICP, SECRETARY

DEDICATIONS:

TYRONE GARNER, MAYOR/CEO

MONICA SPARKS, INTERIM UNIFIED CLERK

ENGINEER CERTIFICATION:
RECOMMENDED FOR APPROVAL BY THE UNITED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS ENGINEER THIS _____ DAY OF _____, 202 _____

TROY SHAW, COUNTY ENGINEER

COUNTY SURVEYOR APPROVAL:

THIS SECRET HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSM 39-2003, 30-2003, AND 39-2011, FOR CONTENT UNLIT AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

REVIEWED BY BRENT E. THOMPSON, KS P.L.S. 1277 DATE:

REGISTER OF DEEDS:
STATE OF KANSAS)

SS
COUNTY OF WYANDOTTE)

0'CLOCK AND IS DULY RECORDED.

SUSAN P. NELSON, REGISTER OF DEEDS

MARGARET A. ORENDAC, DEPUTY

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

REGULAR SESSION
FEBRUARY 2, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, February 2, 2023, with eleven members present via Zoom and on site: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Dr. Mildred Edwards, Chief of Staff in Mayor's Office; Debbie Jonscher, Acting Chief Financial Officer; Brett Deichler, UG Clerk; and Monica Sparks, Deputy UG Clerk.

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

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

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

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

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

Mayor Garner said, Clerk, I will ask if there are any revisions to tonight's agenda? **Mr. Deichler** said, Mayor, sir, yes. At your discretion, we have added a statement surrounding public input for Item No. 2 on your agenda which discusses the charter ordinance creating a new PILOT for residential class option. Public input will now be allowed for this item with a two-minute duration per speaker.

Additional changes to tonight's agenda include Item Nos. 3, 4, and 5 on the Mayor's Agenda which includes ordinances and resolutions regarding term limits and prohibition on Unified Government commission members, adjusting compensation and benefits of the Commission, and amending Unified Government rules of procedures relating to travel on Unified Government business.

That represents all the modifications to tonight's agenda, Mayor.

Mayor Garner said we do have, I believe, it's Mayor Harrington and so I'm going to change this up slightly and, Mayor Harrington—and we've got President Johnson, and they're going to give an update on the Administrator search.

Bill Johnson, General Manager, Board of Public Utilities, said we came here last meeting and gave a brief update. I'm back with Mayor Harrington. Just wanted to kind of bring you up to speed. We did conduct our interviews this week. Prior to going into the week, we had trimmed a list of candidates down from 32 down to 16. Then we met and then moved forward six candidates with one alternate. From that, two had withdrawn before the interviews started, so we actually interviewed five candidates on Monday.

A little bit of a breakdown on the candidates themselves. There were, again, 32 applicants. Twenty-two were white males, three were African American or black males, one was two or more races, and one male did not identify any race. There was one African American and three white females that were also part of the initial group. We did, again, narrow it down to the six candidates, plus the one alternate.

I'll pause and let Mayor Harrington take it from there, and then I've got some stuff I'll come back to.

Jeff Harrington, Mayor of Bonner Springs, said we're proud to announce we're forwarding three candidates for your review and ultimate selection. The first of which is Mr. John Curp. John is a government executive committed to professional administration, economic development, social justice, and proactive community leadership. He has served as a former City Chief Legal Officer and Chief Prosecutor. He most recently served as the Interim City Manager. John brings 20 plus years of successful professional government management, residential engagement, and economic development experience working in a diverse urban community.

Also, Ms. Elke Doom. Elke is a Municipal Manager with over 20 years of progressive responsibility in public administration. She is proficient at working with professionals at all levels and has obtained proven results in building relationships with diverse populations while maintaining the highest level of professionalism. Her background includes proven expertise in budget, finance expertise, intergovernmental and community relations, downtown redevelopment, and capital improvement projects.

Also Mr. David Johnston. David brings 25 years of visionary public service and management experience with success in intergovernmental relations, economic development, strategic planning, financial management and budgeting, and staff development mentoring. He is a trusted and dependable advisor who delivers ethical, transparent, and engaged leadership to stakeholders of communities with diverse and often complexed needs. He has delivered win-win partnerships, meaningful investments, and quality service.

In the next week, next Tuesday, the three finalists will visit the county and engage in the following series of tours, workshops, and meet and greets. We'll have an opportunity to tour the county with these individuals, as well as the individuals have an opportunity to meet all of you. Also, there'll be a public meet and greet where the citizens of the community will have an opportunity to meet these individuals and give feedback on their interpretations. We'll have a moderated question and answer period, and hopefully everyone can get registered for that ahead of time. That will all be prior to Mayor Garner and his team having an opportunity on Wednesday.

We certainly hope these applicants meet your specifications. I feel the committee has done a great job and we returned a very good product back to you, a great slate of applicants.

Hopefully, all this will be wound up by mid-February. I'd like to thank all of you commissioners for making such great, thoughtful selections to this committee. All of your representatives were exemplary, and you can be very proud of them. They were very professional

and brought a wide range of expertise to this process. No one could have done this job by themselves. Hopefully, you'll be impressed with the level of professionalism these applicants bring forward.

Mr. Johnson said finally, just finishing up on my side, I do believe, again, that the most qualified candidates that were presented to us from the search firm were advanced forward for your consideration. The three that we are moving forward all received the highest number of votes from the task force as a whole. If you remember, the task force was assembled by all of our governing bodies, so the Mayor and commissioners all had a role in selecting this task force. It was very diverse. It was a very well put together task force. There were a lot of conversations. We went back and forth on a number of candidates. There were internal and external candidates. Again, the three that were thought to be the most qualified, were all moved forward.

I appreciate the fact that you guys have all empowered us to go through this process. Personally, I have not heard from commissioners or the Mayor, so I thank you for allowing us to do our work. There was no interference in the process. We got through it quite well. Again, thank you for all your support.

Mayor Harrington said the professionals that helped us from GovHR were very helpful. They assisted greatly in reviewing and bringing forward great candidates from all over the country.

Mayor Harrington said since I just have one second, you all are addressing situations with the Loring service area this evening with KCK and the Unified Government Police Department, Sheriff's Department, and KCK Police. I just wanted to make sure everyone knows the Bonner Springs Police Department consists of 27 full-time employees. Currently that includes a cadre of 24 full-time certified police officers, a records coordinator, evidence records clerk, and animal control officers. Our department has adopted several law enforcement capabilities in recent years including an advanced drone program equipped with state-of-the-art 4K thermal search camera that's been utilized across the whole region, a bike patrol program, and a recognized award-winning canine program.

We also are home to the use of a force simulator in addition to other tangible items in our Police Department, a multimillion dollar state-of-the-art facility.

We stand ready to assist the Kansas City, KS Police Department, the Wyandotte County Sheriff's Department, and the Unified Government to ensure proper security measures exist for Azura Amphitheater, and think that there could be a similar agreement between the three to help provide that security. I know the season is coming up quickly, and our administrations are working on that.

Any questions you have for the County Administrator search project?

Commissioner Stites said thank you guys, and thanks for everyone that was put on the committee by each of us. We appreciate your hard work. Thank you.

Mayor Garner said I share in that. Thank you, Mayor and Mr. President, for the hard work; and thank you to all the volunteers because those were our volunteers that spent a lot of time and hours trying to get us to where we're at today.

Mayor Garner said, Dr. Edwards, who is my Chief of Staff, if you could come forward. She's going to talk briefly, real briefly about next steps in that process.

Dr. Mildred Edwards, Chief of Staff in Mayor's Office, said on Tuesday the 7th, we will begin our day with windshield tours, celebrating Wyandotte County and giving our candidates an opportunity to tour our great county and to take advantage of the expertise of our Buildings and Logistics staff, along with the gentleman that you just heard from, and another appointee on the task force. So, they will be touring.

While they're doing that, I submitted a request also during that timeframe for them to be able to meet with, if possible—now this is a moving calendar. We're trying to do a lot with them in a very short period of time, but we would like for those that aren't touring to then meet with key members of our administrative team. So, administrative staff giving tours of the Unified Government buildings, and to make sure that they have a keen knowledge and understanding of what we would need them to consider in the role in that capacity.

They will meet with the commissioners, as noted, 1:00 – 4:00, and they will individually be able to ask questions. Commissioners, thank you all for submitting your questions. I've compiled those and submitted them to Commissioner Bynum. You'll be able to ask questions to

get to know those candidates and to know who that task force has brought before you for your final confirmation.

In the evening, the public will have an opportunity, as the chairs noted. This will begin at 6:30. Our initial communication to the community was 7 p.m. That is, indeed, 6:30 with the reception. You will hear not only from each of the candidates, but from the chairs of the task force, again, and the representatives from our search firm.

We will break out then into breakout rooms, one being here in the Commission Chambers. The second one will be in one of the Courthouse areas. The third group would be in the 5th Floor Conference Room. Candidates will rotate through each of those groups. So, we have about 101 residents that have registered to attend that event. They will break out in groups of three and remain in those groups for the evening. The candidates will rotate through. There's been questions also submitted by our community residents to the candidates that will be fielded by, again, our chairs and a representative from the task force who will be moderating each of those sessions.

On Friday, the Mayor and our team will have an opportunity to meet with them, and then they will also have an opportunity to meet with department heads and ACAs.

So, that's the plan. We're really, really excited about our candidates and hopefully, you will enjoy meeting them as well.

Mayor Garner said, Clerk, there was one last revision. Could you read that, please? **Mr. Deichler** said, Mayor, the approval of the Administrator's Agenda will not be put in motion tonight.

MAYOR'S AGENDA

Item No. 1 – 211539...COMMUNITY INPUT AND RECOMMENDATIONS

Synopsis: Public forum to allow citizens to express concerns and present solutions relating specifically and solely to the Unified Government's span of interest and control. Participants will be limited to two minutes in duration. Citizens appearing in the Municipal Office Building lobby will be given priority, followed by a limited number of participants who have registered online through the Unified Governments Clerk's Office. Those who have registered online may not be given an immediate opportunity to participate due to time constraints to be determined by the Mayor/CEO. If time allows, persons listening online who wish to make comments will be

recognized, all interested participants should know that Mayor/CEO Garner has also placed a maximum time limit of 45 minutes to host & conclude these discussions. In the interest of time, there should be no exception for requested participants guaranteed inclusion to be recognized for comment and participation.

Mayor Garner said I will now open the public comment. I'll ask the Clerk to provide a synopsis on how many comments were submitted to the Clerk's Office. I would remind the public, please be respectful. Hold your applause and comments. Be respectful whether you agree, disagree; just respect everybody's opinion as neighbors, as common citizens, and as the adults that we are and allow people to speak freely without any interruption.

You'll be given up to three minutes; no more. I'll ask the Clerk to read some of the ground rules.

Mr. Deichler said I would just make a quick note that we will actually—it was published as two minutes for the speaking time this evening. The Clerk has not received any written requests for engagement here, but we do have 24 people signed up. We can start, Mayor, at your discretion, calling them in order. **Mayor Garner** said yes. You can proceed, Clerk.

Helen Hokanson, 6453 Cernech Rd., said I also own a home at 419 S. 81st St., where my son lives. Mayor Garner, thank you for reinstating Commissioner Davis to his standing committees. In doing so, you've blown up my perfectly crafted two-minute statement, but I forgive you.

I've recently begun asking questions around KCK Animal Control procedures. The more I learned, the greater need I see there is to update those procedures. Just one example of what I'm hearing involves an 80-year-old woman who has moved into a new house where the previous owner has abandoned a dog that is desperate to get into the house. He sleeps huddled near the foundation, and the lady can't let her own dogs go outside because she's afraid of it. One day the dog gets into the garage. Animal Control does come, gets the dog out of the garage, and then lets the dog go. During one of the last cold spells that we had, he became so desperate to get inside the house...**Ms. Sparks** said one minute.

Ms. Hokanson said ...that he tore the pads of his feet and broke his nails leaving blood dripping down the door. Is this what Wyandotte County residents deserve? When folks drive

down that street and see that, are they going to want to move into our community? I'm asking myself if I want to continue living in this community. This is not just an animal problem; it's a people problem and it deserves attention.

I was excited to attend a Land Bank listening session with Commissioner Davis. It seemed that the potential that brought me here to Wyandotte County was starting to be realized. He and I had talked about setting up similar animal control listening sessions, which is why I was very concerned about him being removed from his standing committee.

The rest of what I was going to say was in my original—so I would love to have some listening sessions. Off the top of my head, there's so many things we can do right now before listening sessions...**Ms. Sparks** said your time has expired.

Donna Henderson-Hoyt, 6422 Cernech Rd., said I'm also coordinator for Cernech Area Neighborhood Association. I've communicated with many of you before recently. I appreciate that. I'm saddened by the recent stuff that's gone on. It really is a perceived perception. It's not something that Wyandotte County needs to be involved in. We need to come together and work together.

Our community—Helen is my neighbor and friend—have many issues that need to be addressed from animal control, code enforcement, problem properties, planning and zoning. I've met with Commissioner Davis, who is my commissioner, as well as Commissioner Bynum, and have recently met with Chief Legal Counsel Waters to go over a situation with protest petitions. Our systems are not coordinated. They're not connected. We've got mapping listing one person as an owner of a property, and we've got Appraiser's Office listing another person as...**Ms. Sparks** said one minute remaining.

Ms. Henderson-Hoyt said...your owner of a property, and that has affected us. I know if it's affected me, it's affecting everybody in Wyandotte County. This community needs to come together. This government needs to come together and fix some of these issues.

You've got 70 people. You're looking for 70 open—I've applied for some of those positions, and I don't know if I ever will again. Besides the initial email that says you've received my application, I have not received one communication back that said my application has been reviewed, in review, rejected for whatever reason. That's just not professional, and it's sad to say

this is the county I live in. I want to see some changes. I expect to see everybody working together and making that happen in the future.

Brandie Armstrong, 2407 Nebraska Ct., said I thank you for the ability to come before you and speak tonight. I am so thankful that Commissioner Davis has been reinstated and that District 8 once again has a voice and a vote on the standing committees, but I still stand before you disheartened and disappointed community member and voter.

Last week there was an attempt, for whatever reason, to block the item being discussed and being displayed for the public to follow along with. In order to have a government that is truly for the people, it is imperative that there is accessibility for all community members. Not having visible what is being discussed, not having an ASL interpreter, nor having any translators for our wonderfully diverse community is keeping the Commission meetings from being truly accessible for all. As someone who suffers from an auditory processing disorder, being able to follow along with written words is key for me to being able to have true and equitable access to our meetings. I know I am not the only one in our community with this disorder. That is why I am asking you, Mr. Mayor, commissioners, to please work together to put into place...**Ms. Sparks** said one minute.

Ms. Armstrong said...a rule that would make it mandatory that all agenda items that are in written format, such as the rules discussed last meeting, to be displayed during the entirety of discussion. That there be a permanent ASL interpreter for all meetings. And there be at least three translators for the top three languages spoken per capita in Wyandotte County at all meetings.

I thank you for your time, and I hope you will all help to make our Unified Government more accessible for all.

Faith Rivera said I am a registered voter in Kansas City, KS. I live in Turner. As some of you guys know, I am on the Parks & Rec Board. What I'm here to say is, I am a registered voter in Kansas City, KS. I've had a conversation with you, Mr. Mayor, before you even ran about putting—making sure that I hold—we all hold your feet to the fire. This is what it looks like. This is us coming to Commission meetings and holding your feet to the fire.

With that being said, I support reforming the rules to stop abuse of power by a single body. This is what we talked about before when we had a conversation about running and what we—

wanting change. This is exactly what it is. We were sick and tired of the same people having the same power and continuously not listening to us. So, this is what it looks like. It does not have—and sadly, it's coming from a person of color, in my opinion. I am a person of color. **Ms. Sparks** said one minute.

Ms. Rivera said I am a Latina. To stop the abuse of power by a single body. I support my commissioner to vote for fair representation for all districts in Wyandotte County. Please vote to reform the rules.

Marge Gasnick, 3322 N. 54th St., said I want to thank, first of all, thank the employees of the Unified Government. Your work is vital to the community, and I appreciate all of you. I want to thank the UG commissioners for their service and their work within their districts. Ms. Harrison-Lee, thank you for your work as our Interim County Administrator.

Mayor Garner, I appreciate the great responsibility that you face as mayor. I voted for you because I felt you could bring about the changes that are needed, but I do feel you've gotten off track. I was happy in the previous meeting to hear that Commissioner Davis will be reinstated on standing committees. I felt like the memo that was sent out last Friday struck me as terribly damaging and unproductive. So, I recommend a reset on your relationship with him.

I also want to express my strong support for the proposed changes...**Ms. Sparks** said one minute.

Ms. Gasnick said ...to the rules of procedures regarding agendas and standing committees. These changes have actually been needed for a very long time, well before you were in office. Why are they needed? For the balance of power. We have an imbalance of power right now, and that affects all of the districts in Wyandotte County. We need a stronger and clearer set of checks and balances for the governance of the Unified Government Board of Commissioners.

We have a commission in place that is willing to make these changes now, if you will allow that, for the good of the community. So, I ask you, Mr. Mayor, to please be the change you want to see.

Nikki Richardson said I thank you for your time. I come to you today as a life-long resident of Wyandotte County. I live in the Village West area and I'm a registered voter. I'm also an active

and engaged citizen that is committed to fair and honest governance and transparency and accountability throughout all governing bodies in Wyandotte County.

I stand here with a plea to the Board of Commissioners to support reform to the current rules that until today, left District 8 without representation and has slowed the county's progress over the last year.

Furthermore, if there is any concerns that these people behind me, some even who are associated with the Local NAACP Chapter, speak for all the black people in this county, and this is no disrespect to them, they do not. Admittedly, some of us may have been too silent over this last year and honestly, I feel that we wanted to give the Mayor some grace in his first year because this was his first time in the elected office of this capacity and because he was...**Ms. Sparks** said one minute.

Ms. Richardson said ...our first black mayor in this county. Unfortunately, I fear that grace has left some of the commissioners and UG staff to believe that there are no black voices that stand with you. So, I want to say that I stand with you.

There is real and understandable trauma in this room that people really did experience from previous administration. There have been attempts to use this genuine fear from the past as a just cause to villainize the current Board of Commissioners, but I know for a fact that if a previous mayor acted this way, they would not stand for it.

So, I ask the Mayor and his supporters to not diminish your ethics and values today. Please support reforming the rules.

America Patton said first I want to say thank you to our honorable Mayor Tyrone Garner and our elders in the room who are giving the opportunity to speak. I'm here representing the Vernon Multipurpose Center and the Quindaro Underground Railroad Museum, as well as the Flint Hills International Writing Project, and Porter State University as a final semester student for my second master's degree.

My first question is pertaining to the Special Olympics, the unified champion schools. According to recent data that I received, currently 31% of Special Olympics unified champion schools are in urban school districts, but only 8% are in urban school districts of the highest need, according to the championship schools. So, my question was, is there anything in place to help accommodate the growing need for students with special needs.

My next question is pertaining to the infrastructure and the \$1T...**Ms. Sparks** said one minute.

Mr. Patton said ...bill that was signed into law by President Biden. Are any of those funds going to be allocated to our community to help rebuild some of the infrastructure to where our native indigenous cultures lived and many are still sustaining?

Reginald Jones said first of all, give honor to God, to the Mayor, to all of his colleagues. My say will be short. I want to say this. I was here probably about three months ago and we made a petition to put some of the things to get done in Wyandotte County. I'd like to thank Mrs. Townsend. First of all, I'd like to thank the Mayor for just listening to us on the things that we needed to get done and they got done with the help of Mrs. Townsend in the First District. I just want to let you know I appreciate that. We got the track for Carl Bruce Middle School. We got a tree cut down that was over the water park at Heathwood Park.

I'm making a plea tonight to let you know that I was listening to Dr. LaVert Murray. He said some things are in place for the little people. I just wrote this down. It says, no one speaks up for the little people at Parkwood Pool that has been there...**Ms. Sparks** said one minute.

Mr. Jones said ...60 years plus. I'm 67 years old. There's nothing that's been done. We just ask that you would add on a water slide for the little people and a water shower that needs to be put on the outside.

I really, really do appreciate the Mayor and Mrs. Townsend for completing the things that we asked for in the community. I've seen it and I'm just really glad and I appreciate it, and I hope you don't forget about the little people. I'm one of the managers down at Parkwood Pool.

Samuel Fennell said I don't have too much to say. I'm just a concerned citizen. Tyrone, you remember me? Remember when I told you that when you get this job, it's not going to be easy. Well, I just hope you make it and get stuff done. The other administrations, they didn't do a darn thing for the north end down here. I live at 405 Walker. When they built those houses down there, I stayed in Wyandotte County. I could have moved to Johnson County but I said well, something might be done, but that's my community. So, I've been here for about 80 years, but I'm just blessed. I just hope you get something done.

Carolyn Wyatt, 359 Troup, said I just want to say that I was on Tyrone's campaign and Mr. Davis came on the campaign and Nikki Johnson; Nikki Richardson, sorry. Anyway, Mr. Davis left the campaign after somebody came on that actually got his money from the union for him. He left the campaign. Before he left, he sent a letter to each of the people on his campaign so thinking we were going to leave the campaign. So, then next, Nikki Richardson left the campaign and sent a letter to all of us thinking we were going to leave the campaign; wasn't going to break it up. So, she became his campaign manager when he ran. We still supported him—I still supported him up there, even though he's a black man, yeah, I still supported him. What I'm saying is that he must have been a plant. A plant is somebody that comes to try to destroy what you're trying to do...**Ms. Sparks** said one minute.

Ms. Wyatt said ...but all they do—all it did was made us work harder. It was only a few of us, 80-year-old people, whatever, but we worked harder and we succeeded with that. So, what I'm saying, Tyrone's doing a great job. There's nothing wrong with what he's doing. It's just people working against him. There's a lot of evilness in this world, and we need to change that because God is not going to bless that.

So, what I'm saying, there's nothing wrong with what he's doing. You had mayors a hundred years ago. This is the first black African American mayor. So, what is the problem? You didn't want the changes then. Why do you want the changes now? Is there a threat? There must be a threat.

So, what I'm saying, he's doing a great job. We support him. People put him in that position more than any other district, the whole community, Kansas City, KS, put him in that position. He's doing his job. Support him. Support him.

Curtis Martin, 3071 N. 32nd, said I'm a life-long resident in Kansas City, KS. I've been knowing Tyrone for years. I know he supports this city. He wants change in the Northeast part of the town because everything's been going out west.

It's a shame. You look in the newspaper and I see one of these commissioners steadily badgering him. Our mayor is just trying to make changes in this city because the other mayors haven't done very many things in the area at all. Every time I look up, I'm hearing this name: Davis, Davis. If you don't like it, you need to get out of the chair and go home and get you another job. That goes for any of the rest of you guys that are voting against him and talking against him.

If you don't like what he's doing, get out of the seat. Resign and get out of the seat. Simple as that.

There's a lot of things we need done in Wyandotte County. I've told Tyrone about several things. We need a dump station for trash. **Ms. Sparks** said one minute.

Mr. Martin said and just several things we need done, and we'd like to see that get done and stop all of this bickering.

Pastor Johnson, you need to get on board with God. You're a man of the Word. You're supposed to be a man of the Word, so do what you say. In fact, this man up there is trying to make changes for the people around here. I just got to say that.

God bless you, Tyrone. I pray for you. I hope you can make it all the way through it.

Louise Lynch, Kansas City, KS, said there's a few things I had planned to say but after the meeting earlier, I've changed my mind as to what I need to say. First, I want to say thank you, Mayor Garner. Always willing to compromise. However, we, the people, say you can't compromise with insurgents.

I am a voter and the co-founder of Community Conscience Action Network. It is despicable to hear today at this meeting while you're speaking, you have two commissioners, District 8 and District 6, talking while you're speaking, air talking, laughing while you're speaking. That's not cooperation. That's not I'm willing to come to the table. That is total disrespect and disgrace. That is not a willingness. We, the people, are sick of this. Enough is enough. If you don't won't to have respect...**Ms. Sparks** said one minute.

Ms. Lynch said ...for the people, get out. None of you who voted to overthrow this local government has even apologized to the community or to the mayor. Another form of disrespect. It's no longer going to be tolerated.

I stand here today shaking in fear of my life because a certain commissioner on this Board right here threatened me and my family. We had to get an order of protection. My husband almost died from that fear. I am here shaking because I don't know what will happen as they told me that they will not be responsible for what happens to me for opposing them.

I am not here to berate anyone, but how dare they tell you, Mr. Mayor, that they don't work for you. Well, guess what? They work for the people. We are the ones in charge. **Ms. Sparks** said your time has expired.

Ms. Lynch said we don't work for them. Respect us or get out.

Mia Joe said I'm not here on anybody's side. I'm with the people and I'm for the people. The things that are going on this county is a disgrace. We are a laughing stock.

I take those signs to the street every day to stop the murder and the violence. I spent thousands on those signs and billboards to unite our community, and when I see how you are being divided, has divided this community. Nobody called me and asked me to bring those signs. The spirit of God compelled me to bring those signs and it broke my heart that the signs that I take to the street, people come together. Unity's our strength. People, love conquers all. This is what I take to the street every day that I have to bring before our county commissioners. That's a disgrace. You all should all be hanging your head in shame and apologizing for backstabbing your colleagues, your coworkers, and then saying the Hispanic community is better. **Ms. Sparks** said one minute remaining.

Ms. Joe said they don't approve of that and neither do I. But, commissioners, I have a lot to say. I'm here on assignment because God has me here. Mayor, you're on assignment. You didn't put yourself in that seat, and you didn't give yourself the heart for the people. God has a heart for his people, and his people have always been at heart. He's given you a heart for the people. You stand for the people and God will stand with you. Stand for the people.

I've listened to people stand here and take sides. I'm not taking sides. Commissioners, the Mayor fought to lower our taxes. He fought to lower the BPU bill. I have went to Mr. Davis. I have went to you all and told you we're drowning in taxes. People can't afford the high taxes, and you voted to raise them and fought the Mayor to get them raised, but yet you say you lowered the mill levy. Well, why didn't you agree with the Mayor on lowering the taxes and it would have happened? Why didn't you vote with him to bring to lower the taxes? Why did you override his veto? **Ms. Sparks** said your time has expired.

Ms. Joe said this is something that affects our whole entire community. Black, white, I don't care what you were. I am here for the issue and for the people. **Ms. Sparks** said, ma'am, your time has expired.

Fannie Hill said I'm just going to get started to the point. I don't like how I've been abused and used for 17 years. I don't like that Ms. Townsend just acts like she runs everything. Now she's

trying to do something with the Land Bank. How is she going to run something about the Land Bank?

A friend called me and said she wanted to buy some land and then she was told if she buys the land, she's got to put a garage on there. How you going to tell somebody what to do with their money and then you're going to deprive them of it because they're not doing what you say? That's wrong. If you're trying to run us, you don't even be here half the time. You don't even acknowledge nobody, Ms. Townsend. Then, Ms. Cherise Harris, I didn't know you exist. I thought you were just an entity and just a thing until I see you sitting there, but you never respond to any of my emails or my calls. It's been about 30 of them since September.

But, anyway, taxes, yeah. I got a lot. It started at \$300. It's up to \$900. I called in and asked why. Is it extra dog poop because I don't understand what happened. Nothing happened. Did I build anything on there? **Ms. Sparks** said one minute.

Ms. Hill said no, nothing. It's just discussing how you say be open and we need to talk to you. You just don't know. You've got a lot of bullish-dodgers around here that you don't even get my information. Then your Legal Department, they don't want to believe nothing unless—they don't believe water's wet until they're drowning. So, that's where I'm at right now. It took 17 years for me to even get here to talk because they've been avoiding me, blocking me, giving me all kinds of stipulations that I've got to go through in order to speak. Thank God for this moment, and I just say this is a Jerico moment. It took 17 years to say, hey, I said it.

Darryl Hall, 2314 N. 82nd Terr., said I'm not here to badger anybody. I'm here to say good evening, people's choice. You all are the people's choice. I do understand that a unified government motto is a complicated structure that must operate like a fine-tuned machine firing on all cylinders harmoniously in order to achieve the desired results. We feel that we have a proper elected components in position to operate the system for the change that is the will of the people. We have a mayor and CEO who has kept his vows to walk with the people while working for the people because he knows that in order to lead the people, you've got to love the people. **Ms. Sparks** said one minute.

Mr. Hall said in order to love the people, you've got to know the people. In order to know the people, you've got to walk with the people. So, we the people, are here asking for your support, Commissioners Ramirez and Davis. Can we get your support? We know we have Commissioner

Johnson. He's called for unity. I'm just calling for unity. Not calling anybody out; just saying if we work together, I believe we can make things happen just by working together as a whole unit. Everyone working together, we can make a change for the people so we all look good. We don't want to be embarrassed. It's not a good look. Don't you all agree? It's not a good look. **Ms. Sparks** said your time has expired.

Mr. Hall said but, please, let's work together.

Tscher Manck said everybody calls me CeCe. As a voter in the Eighth District, Mr. Davis, if I was to assume the Eighth District voted you in to represent them. It was not to disrespect the Mayor as you've done since day one. I remember being on a virtual call the first time and you hadn't even been in a good 30 days and Mr. Gorman called you out for your treatment of our Mayor. Now, understand, I did not support Mr. Tyrone but he is my mayor. He is the first black mayor. You're not even from here. Who are you to disrespect somebody from Wyandotte County because when you disrespect him, you disrespect us, sir. You're supposed to be here to represent Eighth District and Wyandotte County. You haven't done that because nobody else here is disrespecting this man but you.

Mr. Mayor, I second that motion when you took him off those board meetings. If you need some good residents...**Ms. Sparks** said one minute remaining.

Ms. Manck said ...to stand on those board meetings, I can refer you some. Also, we should also consider removing that ARPA board and asking the US Department of Treasury to come in and audit how Ms. Markley allocated those funds because according to your graph, you all gave so much money for affordable housing that there shouldn't be one homeless person in Wyandotte County. I actually look at you all's graphs and listen to you all.

By the way, I was here present on the front row for the Willie Lanier contract. Mr. Garner, Mr. Stites, and yourself were the only three people who didn't know about that contract. All the rest of them knew about time limits and everything else. So, if you want to hold somebody accountable for that, talk to Ms. Markley and your Marquettes.

Simeon Bond said I want to give honor to the commissioners on the Board and staff, the Clerk, the Attorney, Deputy Administrator, to the Mayor. I appreciate all of you and all that you do. I'm not going to be up here long, but what I do want to say is I've been a resident of Wyandotte County

since I was seven. My family lived here before that. They've been residents of Kansas City for a long time.

As a young person who has aspirations to do a lot of great things in life and has a lot of promise—in high school, when I was growing up, everybody talked about leaving Wyandotte County. I'm going to be completely transparent with you. As I embarked on my professional career journey getting a degree in sports management and seeing my career in marketing and entrepreneurship, I had no thoughts of Kansas City. I had no thoughts of Wyandotte County. I started hanging out...**Ms. Sparks** said one minute.

Mr. Bond said ...with this dude in the summertime that was from Chicago. He convinced me that my community was worth investing in and that young people could have a voice. He has a master's in public administration.

I'm just going to say that not everybody here's perfect. Not everybody knows what's going on. There's obviously a lot of things that need to be changed, but that's what checks and balances are for. We don't have to agree on everything, but we do have to agree sometimes to move something forward, sometimes to have progression that you have to put your differences aside to what's going to work best even if it's—and to the Mayor, that's what these commissioners are here to do whether you like to hear it or not. And for the commissioners, that's what the Mayor's here to do whether you like to hear it or not, you have to check each other. Checks and balance and that's how we'll move forward.

I'm not here to be on any one side. I voted for you as well and I voted for you, Commissioner Davis. I just want to say I appreciate you all and I believe in you. You're going to push Wyandotte County forward in the right direction and that's why I decided to stay...**Ms. Sparks** said your time has expired.

Vilmer Alvarado said I am a proud resident of this great county and a proud person of color; a proud Latino American. I support reforming the rules to stop any abuse of power by any single body because this is America. This is a democracy and not a tyranny. I want to say that I strongly support my commissioner, Andrew Davis, and voting for fair representation for all districts in this county. I hope that all other commissioners do the same.

I want to say also that I've lived here for many years and, frankly, I haven't seen a lot of change happen in this county. I don't see things being any different with this administration, sadly.

I think that in order for real change to happen, we need to reform the system, first and foremost. We need to work together and we need equal power. This is the only way to make change happen...**Ms. Sparks** said one minute.

Mr. Alvarado said ...in this county and in this country. I hope that this happens and, like I said, that all commissioners vote for reforming the rules.

Raúl Suenz Escarcega said first and foremost, I appreciate everyone. I appreciate the commissioners. I appreciate the mayor. I appreciate everyone who comes here. I've been a resident for Wyandotte County for quite some time. I graduated from that small little school in that corner, not that well known to be honest.

But growing up in Wyandotte County, as being a first generation immigrant, there was a lot of culture shock. The culture shock of Wyandotte County brought in a lot of different perceptions. Growing up in Wyandotte County as kind of like one of the youths here, the perception of leaving Wyandotte County, and that's fair. Everybody has to leave somewhere; everybody has to move. But I stand here, as a resident, because this is a calling to being in Wyandotte County whether that be familiar, whether that be for the duty of your family, or this is an option that you just tie with the community. There's nothing wrong with it. **Ms. Sparks** said one minute.

Mr. Suenz Escarcega said but it has left a lot of perception with us. Being also instructor for different youth, I'm also very concerned about the perception that we have left in our current system for our upcoming youth because this perception has been a generational issue and will be that will impact the next incoming of potential professionals, politicians, scientists here, and we need to reevaluate our systems and our own sort of like direct values for the upcoming generations that make take all of your places.

Linda Sullivan, 1137 Haskell, said I voted for you, Mayor. This is to the commissioners. My question is, why doesn't Kansas have any litter laws? You know what I'm saying? People blow their grass in the street and leave it. There's no litter laws. I don't see any Do not Litter Signs. My daughters, so that graduated and got jobs, they said, Mom, I don't want to live in Wyandotte. They moved. They moved up north. They said I want to live somewhere that's clean, that's neat,

there's no trash in the streets. So, that's my question. How come we don't have litter laws to get the trash out of the street and clean up our community?

Then also I want to ask the question of when the city has a budget, and then you see that budget overflowing to where we get into debt, who stops that debt? Who says, oh, we're in debt? We need to come back and push back some things. **Ms. Sparks** said one minute.

Ms. Sullivan said we're in debt. Then the commissioners, when the Mayor had an agenda to get us out of debt, you all, I think you all bashed that down. So, what's your agenda? How are we going to get out of debt? Then, do you have—will that be written down to where we can see how we're going to get out of debt as a county? My granddaughter, she's three. She'll be paying taxes. She'll still be paying taxes. I don't want to tell my age, but I'm older. I think that when I pass, that debt's going to be left if they stay in Wyandotte County. You know what I'm saying? If they stay.

Don't nobody want to live where it's dirty and nasty and then you're in debt. You know what I'm saying? I want to move, but I grew up here and my parents grew up here. Really nothing's changed. So, we do have to...**Ms. Sparks** said your time has expired.

Ms. Sullivan said we have to change some things.

Amanda Lindahl, 3425 Forest Ave., said I second that. We need to do something about the trash, but also the first speaker that spoke about the issues with animal control. There are packs of dogs that travel around our neighborhoods, and I've been told multiple times that there's no space for them so we can't do anything about it.

I came here to speak in support of Commissioner Davis and the work that he's done on the Commission, particularly with the Land Bank feedback sessions. I was completely thrilled to be a part of some of those sessions, and was just really awesome to hear about a new approach and potential for a redirection and the focus and the priorities of the Land Bank.

Last year I supported a couple of farmers in applying for purchase of a Land Bank property in the historic Northeast. The response was honestly pretty negative at first from that committee until Davis mentioned that hi, we maybe should consider the fact that we need some more sources of healthy food...**Ms. Sparks** said one minute.

Ms. Lindahl said ...in our neighborhoods as well. So, our farmers eventually, with the support of our organization, Cultivate Kansas City, were able to purchase that Land Bank property,

and we were very thrilled for them. I was sad to hear that, my understanding, they were the only farmers or groups of people interested in gardening, using land for agricultural use, that were approved in the past two years. So, that's just really, really disappointing. It's been clear that the focus of the Land Bank has only been on housing development.

I would just urge the rest of the commissioners to continue more of these listening sessions, listening to your constituents, and continuing to think about particularly the Land Bank being a more well-rounded approach for housing as well as agricultural use to support the farmers that are very in need of land within our county.

Meredith Sullivan, 1137 Haskell Ave., said I pastor a church on 13th & Quindaro, Antioch Baptist Church. I support the mayor. My thing is that you all work for the people. You all here to represent the people and that hasn't been happening, especially in my neighborhood. I've been here my whole life in the Northeast. There's nothing going on. It's just like a ghost town.

They said they were going to build up the corridor on 7th St. from Fairfax so when people come off the highway, they know they're coming into a nice place. Even off of 18th St., when they come off the highway, they come into a nice place. All that is blighted. The whole community is blighted. Not only is it blighted, we don't have nothing for our kids. We don't have nothing for young people. We don't have nothing...**Ms. Sparks** said one minute.

Pastor Sullivan said...therefore, they're leaving, going to other places that will give them what they need. So, you all need to do you all jobs.

Terry Bradshaw said it's an honor and privilege to stand before you, the people of Wyandotte County, and the commissioners and the Mayor. I'm going to cut to the chase tonight and come directly to who I need to talk to and that is Commissioner Davis. As I'm talking to you, I want you to do what you usually don't do which is look at me in my eyes as I'm speaking.

Commissioner Davis, you said the Mayor doesn't work for you, which is true. He works for us but so do you. You've wasted precious time attacking him when you should be collaborating. You're talking when you should be listening. Making assumptions when you should be seeking understanding. Why you're telling the Mayor how to do his job, you need to do a better job of your own job and sweep around your own front door. Your focus must be on

doing what we, the citizens of this community, have elected you to do and that is be an agent of real change, a champion for what is right, and in the words of Mary J. Blige, “no more drama.”

Your conduct has gridlocked the progress and is directly affecting the Northeast side of town. We can no longer...**Ms. Sparks** said one minute.

Pastor Bradshaw said ...wait for an actual grocery store. We can no longer wait for housing projects that we need, homeless shelters. Now is the time for us to build and collaborate. Tonight, Commissioner Davis, you asked the Mayor for insurance on him keeping his word, well, tonight I’m asking you for the same insurance. Will you stop the slick talking behind the back, bite batting, leaking information to the media and be a grown man and be a man of integrity that this community needs because the people that elected you are counting on you. You’re an intelligent young man. You’ve got a bright future, but you need to do better. If you don’t do better, Pastor Terry Bradshaw, Jr., well, watch this. I will take the responsibility to put somebody else in your seat and it might be me.

Chancellor Adams said I’m from this county. I went to Sumner Academy and then from there I went to KU and everything. I had the privilege to actually grow up with a lot of people in this room. I found a lot of leadership too, especially from black men in this room, and a lot of friendships and guidance from other black people in this room.

I think honestly, I’m just really sad. You know what I’m saying? I think that I’m seeing people that I respected my whole life act crazy. I’m seeing people say things that’s just like beneath them. I don’t want to do anything or say anything that’s disrespectful, but when you come up here and you say things that doesn’t really help anything, and actually is not even accurate, we have to know how our city is governed.

More importantly, I will say this just to speak too because I’m here for Andrew. I am here because I am from this community. I am here for Andrew. I support him and, yeah, people don’t want to celebrate anymore. **Ms. Sparks** said one minute.

Mr. Adams said the point that I’m trying to say is, at the end of the day, I didn’t want to vote for you. I was at Elevate. You didn’t come. The reason why I say I was at Elevate, Elevate actually had a thing where it was pretty much black constituents, from my perspective. I didn’t know you and this was going to be my opportunity to actually hear from you. Drew was like, bro,

no, no, no. You need to vote for him. I wanted to vote for Alvey. I had a conversation with Alvey at a Waffle House.

I seen you talking to Bradshaw at First Watch. You didn't want to talk to me. You probably didn't know that I'm from Wyandotte. You know what I'm saying? To me, that really rubbed me the wrong way. I voted for you not because Drew said let's vote, but he did encourage it, but more importantly, I saw the bigger picture. You are the first black mayor and I respect you. You know what I'm saying? There's some things that you do that I don't like. I hear about it. There's some things that everybody does that we don't like, but we are in government...**Ms. Sparks** said your time has expired.

Mr. Adams said if I may just say this last point. We are in government and people are going to not like what we do, but at the end of the day, we have a community that's saying things that's really important. We are a community of diverse groups. **Ms. Sparks** said your time has expired.

Mr. Adams said the last thing I will say is please, you all, stop saying that people ain't from here. You all sound like bigots. **Mr. Deichler** said, sir, your time has expired.

Reece Towers said, Mayor, I want to stand in support of you. I want to tell you that no weapons formed against you will prosper, and that you are more than a conqueror. That any man's here to steal, kill, and destroy, but you've got to know that we, as a community—see this room. More than half of us have your back.

Now I want to talk to the community. We are their boss. We pay their salary. If we don't get the things that are done in this community done the way that we need it done, you vote them out. You recall them. I'm going to say thank you, Nikki. She was talking about when she said the NAACP. I stand for change. I stand for my people. I stand for the Mayor. I stand for the black women of businesses. I stand for the Latino community. The problem is, we've got too much division and it's coming from one person.

I, too, was on Mayor Garner's campaign. I, too, know what went on with Nikki and Andrew. Let's talk about it. One thing we're going to address is, we need to unify in...**Ms. Sparks** said one minute.

Ms. Towers said ...this community. We need to unify. Work on unification instead of division. Don't go on Facebook creating chaos when you can have a personal conversation with

the Mayor. These are the problems that we're facing in the community. You've got two black men fighting against each other running amok. It's really one black man fighting against another black man because he does not want to sit and have a conversation. He cancelled all his meetings. Let's talk about it. He cancelled all his meetings; refused to meet with half the people in the community. He may meet with some of you all, but he ain't met with us. That's the problem. He's the one who said he don't need the black people's vote. He don't need the black people's vote, but we're going to show you, Andrew, how bad you need the black people's vote.

Mr. Deichler said, Mayor, sir, that concludes the speakers here on site.

Mayor Garner asked, is there anyone else before I close this that would like to speak?

Freddie Wilson said I didn't come up here. I didn't know what was going on tonight. I really learned a lot. I'm glad to be here. I'm not up here to talk about what everyone is talking about. I've been here in Wyandotte County all my life. I would like to take this time to say hello, Melissa. How you doing, sweetheart?

We lost a real good friend of ours, me and Melissa, Monday. I just wanted—it just came on my heart to say this. I think the Unified Government, somehow, should say or do something to honor Ms. Esther. I don't know if you're aware of her. She lived to be 105 years old. Probably the oldest person ever lived in the state of Kansas and no one would ever live that long. She passed away Monday. She's going to have a funeral Saturday at Porter's. I think there should be some type—there's nothing to give because she had no children, no key to the city, or nothing; but just something to recognize...**Ms. Sparks** said one minute.

Mr. Wilson said ...the sweetest woman I ever known in my life. With that, everybody have a good evening and work it out, whatever the problem is.

Lisa Walker Yeager said I will not put my address out here. I am born and raised in Kansas City, KS, in the Parkwood neighborhood. This is February 2nd. February is Black History Month. Regardless whether we voted for one person or not, the fact is, we're going to respect each other, okay? That goes for everybody. I ran against Ms. Townsend, but that's still Ms. Townsend. I'm

going to respect her. I say that, Mr. Davis, because, and I point that out to you because we ran together in the same thing. **Ms. Sparks** said one minute.

Ms. Walker Yeager said so, it's important that we take the time out and you're going to need our black votes. Wyandotte County—I don't know whether you said it because I didn't hear it, okay? Wyandotte County is mixed with all races. This is the beauty of Wyandotte County. The key thing that we need to worry about right now is he is the mayor and he is for the people, okay? Not for big corporations because we have been neglected for so long. You guys get it together, please, because we need you all.

We need—BPU came with us and worked with us and we're trying to get this together and get our bills handled where we can live here. This is very important because I work for KCTA. I see, I drive the 101, and I see the people...**Ms. Sparks** said your time has expired.

Ms. Walker Yeager said ...that I haul on this bus line. These are not just—these are people that lost their jobs during COVID. These are elderly people that can't find houses. **Mr. Deichler** said, ma'am, your time has expired.

Ms. Walker Yeager said I need you. If you don't want to—you want to get up off that chair and if you want to get up off that chair and I'm going to both of you guys. Come get on my bus line. Come see what your community is dealing with for real. These are veterans, white, black, brown, Chinese. Our community needs to get together. This is not a white or black thing and I am tired of it. We're going to get with this corruption and we're going to get it over with because the judges ain't right, the Police Department ain't right, and we need you all to get it right. So, I want to see you all two shake hands and say hey, we're...**Mr. Deichler** said, ma'am, your time has expired.

Ms. Walker Yeager said ...we're going to work together. We're going to make this happen.

Pastor Tamika Shannon, Safe Haven Ministries of Holiness Church, said I am here on behalf of the people. Stand with Evangelist Fannie Hill when she speaks to the need to address the needs and concerns of the people. Mayor Garner has participated in several different events that we have put on in the community. He is always upfront. He is always present.

Commissioner Davis, I met you once. I invited you to an event. You couldn't come. You sent me a notification to say that you would schedule a time and I responded, but we never got that

meeting. Now that's not to point finger or make blame, but my point is, the people need to have communication and contact with the leadership. The reformation of the community will not begin with buildings. It will not begin with high-income housing. It will not begin with beautifying the outside and leaving the inside decrepit and torn and broken down. The meandering of what's...**Ms. Sparks** said one minute.

Pastor Shannon said ...going on the inside of the community, the community needs to be the focus. You can't begin the process of healing that until you guys are healed. Unified government. One body. Many members. Opinions are good. Differences are good, but we have to learn how to flow together and be unified to rebuild this community and show the beauty of the history of this community and the beauty of the diversity of this body of leadership.

You were all chosen for a reason. I'm asking you to look within your hearts and understand why you were chosen to do the job that you were chosen to do. Set aside your differences and come together on one accord to rebuild Wyandotte County.

Andrea Davis said I live in the Eighth District. I have a few words that I have written down. I'm just going to read them off. Over the last year, since the newest-elected officials have taken office, I've watched our elected commissioners and UG staff be berated and mistreated by our first black mayor of the Unified Government. While I am disturbed by the subjugation of each of our elected officials and UG staff that has occurred, I'm even more concerned for the impact that this abuse will have on future generations of young leaders that wish to plant roots and invest in our community.

Leaving Wyandotte County has been a common thing amongst much of the younger folks who have spoken tonight. I'd like to see our current leaders begin to embrace these young voices of the future in our community. My generation brings a wealth of experiences, education, and ideas that are stifled by many of the older generation's leaders when we could be building bridges and bringing people to the table. I am hopeful that our current leaders will begin to do this.

I'm asking the commissioners tonight for some things. One, please vote in favor to reform the rules of procedures that was unanimously voted through 9 to 1...**Ms. Sparks** said one minute.

Ms. Davis said ...(inaudible) meeting, and I'm asking for accountability from our elected officials on the treatment of our staff and elected officials as well. I want to say thank you to each of you for serving. I appreciate all of you, and I apologize for the way that the mayor has treated

each of you throughout the duration of this year. That is not Wyandotte County. That is not who we are and we deserve better.

Yasmine Bruno Valadez said I am a resident of Wyandotte County since I was three years old. I grew up here in Kansas City, KS. I went to William Allen White. Went to West Middle School. Graduated from Sumner Academy and now pursuing a bachelor's degree at Rockhurst University. I'm studying political science and non-profit management. Something that you learn in political science is actually about government which is something that I love and care about.

When Tyrone Garner ran for mayor, I was excited and ecstatic. I remember the feeling when I was like eight years old and Obama had won the presidential campaign and we had a black president for once. I was so proud to see someone representing our community. The same feeling I got when I saw President Obama win, I got when I saw Tyrone Garner win. I thought that finally, for once, our communities would be seen and listened to. Unfortunately, I stand here today feeling disappointed. **Ms. Sparks** said one minute.

Ms. Bruno Valadez said this community has been torn apart, as we've seen all night. People are arguing and fighting, and I know this isn't who we are. I ask you, Mr. Garner, to please open a government book. Let's look at checks and balances. Let's analyze how can we do better. How can we implement these rules into the community that we have here and make a better government? Wyandotte County deserves it. I hope that you all listen. That every commissioner here comes together and does shake hands and talk it out because we don't deserve this. I know that we are capable and we can do better.

Mayor Garner asked, Clerk, do we have anyone joining us virtually? **Mr. Deichler** said, Mayor, we do not, sir. Mayor, there is no one, sir.

Mayor Garner said thank you all so much. I was asked to allow this. Before I became mayor, a lot of people in the community said they weren't allowed to have a voice. Your voice is really important. That's how we get better. We learn. None of us are perfect. The goal is, we want to do our best to serve you. To serve you the best, we need to hear from you. So, thank you for all the comments. Thank you all for being respectful. The commitment that we all have is we're

going to learn from this and we are going to be a better Unified Government moving forward. So, thank you so much for everyone that participated.

Action: **Public comments were taken.**

Item No. 2 – 212244...ORDINANCE: A CHARTER ORDINANCE CREATING A NEW PILOT RESIDENTIAL CLASS OPTION

Synopsis: A Charter Ordinance creating a new residential class option for purposes of determining PILOT percentages and lowering the overall percentage cap, submitted by Patrick Waters, Deputy Chief Counsel.

Mayor Garner said this is something that I spearheaded and wanted to move forward, along with several other commissioners. We've heard you. What this does is at least gives this Commission an opportunity, as they move to the budget cycle, to see how best and to responsibly make a decision and debate within our means to seek BPU PILOT relief for those that need it most.

Proposal:
BPU Electric & Water PILOT Separation
for Residential Accounts and Lowering of
PILOT cap to 12%

Full Commission
 February 2, 2023

Patrick Waters, Deputy Chief Counsel, said the option before you tonight is something that you don't see very often. It's an amendment of a charter ordinance.

Separation of Residential Accounts & Lowering of PILOT Cap

Possible Commission Action

1. Amend Charter Ordinance CO-3-02 in order to provide the option for a separate residential PILOT percentage.
2. Lower the PILOT cap for both residential and all other accounts to 12% from the current 15%.
3. Change the notification deadline from September 1st to October 1st to take into account the longer budget adoption season.

What the ordinance before you tonight, it would do two main things. It would allow the Commission the option to separate out the residential PILOT percentage when you are voting to set the PILOT percentage every year. It doesn't require it, but it would allow you to do so. In other words, you would be allowed to set one rate for residential accounts and another rate for all other accounts. Lower, higher, however you want to adjust it, but this amendment would give you that option.

It would also lower the PILOT cap. So I talked about No. 1, providing the option for a separate residential PILOT percentage.

No. 2, it would lower the cap from the current 15% to 12%. We've been at 11.9%, I think, since 2014. This would prohibit—basically set 12% as the cap that cannot—that you will not be able to go beyond.

Then just a minor cleanup item. Our current charter ordinance says that we need to notify BPU by September 1st what that percentage is. Given the extended budget season that we now have where we're now going into mid-September; it's kind of a cleanup item to extend that to October 1st.

- (a) As hereinafter directed, the board is hereby empowered to transfer to the unified government: (i) a percentage or other portion of the gross operating revenue of each utility; or (ii) a percentage or other portion of the gross operating revenue of each utility attributable solely to its residential accounts, and a different percentage or other portion of all other gross operating revenue of each utility attributable to all other accounts.
- (b) The amount to be transferred to the unified government under this section shall be determined by resolution by the unified government in an amount not less than five percent nor more than 12.45 percent of its gross revenues, whether combined or separated by accounts as set forth in Section 18(a)(ii), for such fiscal year. The

Here's the language that's in the amendment. Subsection a is the language that would allow for the separation of the residential accounts versus all other accounts. Then Subsection b is the section which would lower the cap from 15% to 12%.

Why this requires a Charter Ordinance

- “State law, specifically KSA 13-1271 and KSA 13-1269, both allow for a percentage of “gross operating revenues” of a utility to be transferred to the municipality.
- However, those statutes are non-uniform and so the UG exempted itself from the statutes starting with CO-5-01, amended by CO-3-2, but it kept in the “gross operating revenue” language.
- As such, under current ordinance we cannot separate out the residential versus other accounts without an amendment.
- Charter Ordinances require two-thirds approval (8 votes) plus a 61-day waiting period after publication to make sure there is no challenge via citizen petition.

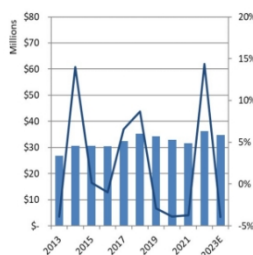
So, why do we need to do this through a charter ordinance? First of all, state law originally provided that municipalities can require a percentage of gross operating revenue be transferred to that municipality. We chartered out of that statute a long time ago; however, we kept in the gross operating language term. So, under our current ordinance, we set one percentage and that applies to all accounts. Again, what this would do is separate that out and allow you to set different percentages.

Charter ordinances require two-thirds approval. There’s a 61-day waiting period to see if there’s any citizen petition that challenges. That’s provided for in state law. So, it’s just a little bit different than a normal ordinance.

So, that’s kind of the legal perspective there. I have Debbie Jonscher, Chief Financial Officer, to kind of talk about the practical affect and how utilizing that separation of accounts would work in practice.

BPU PILOT— RECENT NUMBERS

- Electric and Water Franchise Tax (BPU PILOT) has been set at 11.9% since 2014
- Total 2021 BPU Pilot was \$31.7 M (down 3.7% from 2020), with \$26.3 M from electric and \$5.4 M for water.
- Total 2022 BPU Pilot was \$36.2 M (up 14% from 2021), with \$30.7 M from electric and \$5.5 M for water.
- Estimated 2023 BPU Pilot is \$35.0 M (down 3.9% from 2022), with \$29.2 M from electric and \$5.5 M from water.



Debbie Jonscher, Acting Chief Financial Officer, said this slide, just wanted to show you some of the numbers that we have for the BPU PILOT. The current PILOT rate has been set at 11.9% and that’s the current rate since 2014. Just wanted to show the past couple of years how much we have collected with the PILOT. In 2021, we were at \$31.7M. That was actually down 3.7% from

2020. I believe in 2020, we were around \$32.9M. So, \$26.3M of that is from electric and \$5.4M for water.

In 2022, the PILOT increased about 14% up to \$36.2M, with \$30.7M of that coming from electric and \$5.5M from water.

Currently, in the estimated 2023 budget, we have the PILOT set at \$35M, which is down from 2022; however, it was, I think, slightly increased from the budget that was in '22. So, that currently has \$29.2M from electric and \$5.5M from water.

The graph over there kind of shows all the way back to 2013 what the increase of the amount of revenue that we received every year. The line on there is the percentage change that we've had.

Potential Budgetary Effect of Separating and Lowering Residential PILOT

- The BPU has approximately 67,277 accounts, with 60,500 of those being residential.
- Residential accounts generated approximately \$12,736,336 in PILOT revenue in 2022.
- Each 1% PILOT reduction in residential accounts would amount to approximately \$1,070,000 in reduced PILOT revenue using 2022 numbers.

This next one just shows the budgetary effect of separating out the residential PILOT. Currently, the BPU has approximately 67,000 accounts. 60,500 of those would be residential, so that's almost 90%. Residential accounts generated approximately \$12.7M in PILOT revenue in 2022. Each 1% PILOT reduction in residential accounts would amount to approximately a little over \$1M in reduced PILOT revenue, according to the 2022 numbers that we had.

That is the end of the presentation, so I guess we can stand for any questions.

Commissioner Kane asked, have we involved like the BPU at all? **Mr. Waters** said yes, Commissioner. Obviously, Mr. Johnson and Lori Austin are both here tonight. **Commissioner Kane** said I'm not talking about them; I'm talking about their Board members. I would think—okay, and that's where I'm going. I thought Commissioner Bynum was already working on this with the folks. Is that correct? **Commissioner Bynum** said yes. I have a community that is working on this now. **Commissioner Kane** said okay, so I don't know why we would do this while she has a committee working on it now.

Then, I would think if we separate this and make it residential and business, can we get sued? **Mr. Waters** said that's a good question. We looked into the legality of this and we are comfortable with it. We don't believe that it is a suspect class to separate out residential versus commercial or additional separations. So, we do feel comfortable with the legality.

Commissioner Kane asked, are there any other municipalities doing the same thing? **Mr. Waters** said I do not know that, Commissioner. (Comments were made from the audience.) **Mayor Garner** said if we could just refrain from comments and let the commissioner speak, please. **Commissioner Kane** said I would rather have Melissa's group work on this and bring it to the full Commission because she's already working on it. She already has the understanding of what's going to happen in this process. I'd rather not step on her toes and see what she comes up with.

Commissioner Bynum said the Mayor had approached me in August or September to put a committee together to look at the PILOT, which I did. Dr. Edwin Hill and Rose Mulvaney Henry, who's now the current Board President of the BPU, are working with me along with a number of our staff people: Reginald Lindsey, our Budget Director; Mike Grimm, in the Budget Office; Monica Sparks, with the Clerk's Office; and Wesley McCain, in the Health Department. I'm leaving someone out, I'm sure. We've had help from Lori Austin providing information from the Board of Public Utilities so that we can sort through the data. I appreciate Commissioner Kane's suggestion.

I also appreciate the data because one thing that I wanted to be sure that I'm hearing correctly, even though within our committee structure, I feel like I've heard it several times and that is, Ms. Jonscher, you saying that 1% PILOT reduction just in residential is \$1M. **Ms. Jonscher** said that's correct.

Commissioner Bynum said, so, that being said, we are hoping, and I have spoken to the Mayor about this, our committee is hoping to bring forward a presentation that does include this separation, but also some other options that we, the Commission, can consider and based on that data alone, you all need to be warned how hard this will be to bring PILOT relief.

Now, let me just throw out some of the things that we're talking about but, again, we're hoping to bring a full presentation and we're hoping to have our data be correct. Within a separation of residential from commercial, we also hope to learn further, can we create classes

within the residential. That is the question that our Legal Department is working on finding an answer for right now because that's different than just separating residential from commercial. Can we further differentiate within the residential class by income, age, what have you, because what the Mayor and frankly I, and probably everyone on the diocese seeks is relief especially for those most vulnerable, for those for whom it is the most difficult to pay this payment in lieu of taxes on your utility bill. So, I will openly and honestly say we seek to benefit that group first and foremost, and the question is, can we do that within the law, the state law.

Mr. Waters said, Commissioner Bynum, I believe we can. I think it's maybe just a discussion with BPU as to what can they administratively handle. I'd defer to them. **Commissioner Bynum** said thank you for that because that's a whole lot of other—I was actually visiting with the Mayor about this today because anything we do is going to create a series of administrative actions and work for people to create these separations, etc.

So, I don't want to get ahead of my committee. In fact, Mr. Deichler, I don't know or Ms. Sparks, I don't know if BPU Board Member Rose Henry is online and also Dr. Edwin Hill because, Mayor, with your permission, I would really want to also afford each of them some time to comment, if that's okay. **Mr. Deichler** said, Commissioner, they are both online. **Mayor Garner** said, Clerk, you can invite them.

Rose Mulvany Henry, BPU Board Member, said I appreciate the opportunity to speak to this for a little bit. I think we started meeting in November, I think it was November—Commissioner Bynum, keep me honest there—to look at these very issues. Obviously, we at BPU are sensitive to these PILOT discussions as well. We're fully supportive to try to help this Commission make informed decisions based on the work and the input that the Unified Government staff has had into this as well as the Legal Department, in addition to BPU staff. So, we hope we get an opportunity to finish this work and give a whole presentation to the Commission with some recommendations. So, hopefully, we'll be able to get a chance to do that.

Dr. Edwin Hill said, Commissioner Bynum, thank you for including me as a part of the community to be a part of your committee. We have been meeting with you as others have already said. It has been encouraging to me that we're actually looking at ways to help us here in the community decrease this PILOT tax. So, I do look forward to us completing this work and moving

forward. I will say this, though. I am in favor of separating the residential and the commercial PILOT tax as was on the agenda. I am in favor of that.

A couple of other things. The cap is set, the 12% which I would say is good, but it's at 11.9%, that's really too high. Twelve percent is great, but it would be better not to increase it at all, but to decrease it for the sake of the most vulnerable and rest of the community members. So, I don't want to be long-winded, but I just want to say thank you for allowing me to be a part of this committee. We want to represent our community well. Thank you to our commissioners and the mayor.

Mr. Deichler said, Mayor, we do have three people here that signed up to speak on this as well. **Mayor Garner** said you can call them.

Louise Lynch, Kansas City, KS, said what I want to say is yes, we need to separate that right away off of our bills. It is ridiculous and people getting disconnected because they can't afford these PILOT bills and that we have no control over. There are other fees on there as well like the customer access fee, which can go up and above what the PILOT does. We wind up paying in fees almost 50 – 60% more than our usage. Those of us that are struggling, that are poor, that have other medical conditions that take up all of our finances and then some, don't have a pot to pee in let alone to pay these bills and risk not having life-saving electricity because of that or having BPU turn off our water, which should be totally off the wall. **Ms. Sparks** said one minute.

Ms. Lynch said that's ridiculous. Water is a human right. To continue month after month begging BPU, begging their Customer Service for help, is ridiculous. This PILOT should have been separated and taken off a long time ago. I agree. Separate it now. Get it off our bill now so we can pay our electricity, but don't stop there. We need to get rid of it totally. We cannot afford it. There are elderly and handicapped and medically people with large families, I mean, there's so much need in this community. This is really ridiculous to have us come up here month after month and beg. I came in September and spoke about this BPU issue. I asked about protecting the people from the cold. My family was one of them that was victimized by this cold and couldn't afford it. **Ms. Sparks** said your time has expired.

Ms. Lynch said take it off now. Enough. ARPA gave zero funds to the Council on Aging to help the seniors who can't pay for these bills and you all gave them zero. Shame on you.

Tscher Manck said my BPU did receive COVID and ARPA funds. I don't think that the people actually heard this young man here when he said that our charter for this PILOT fee was already overdue. I think I speak for all the working people in Wyandotte County, the ones who actually have to earn income and actually have to pick up a second job to pay these bills, hell no. Take it off our bill, period. We don't want it separated from anything but our bills along with a \$22 electric access charge and a \$21 water access charge. That right there is almost \$100 depending on how much usage for that PILOT fee.

While you're checking on those state regulations, let's check on the FEC's regulations for that PILOT fee to be put on our bill. Let's talk about that because I'm tired. I got at least 150...**Ms. Sparks** said one minute.

Ms. Manck said ...I got at least 150 people's bills who, for this month and the month of December, went to double. I had at least 100 people whose bills were almost \$1,000. Now, understand, I understand that we pay this man over here \$364,000 to rob us anyway. Take off all of the extra charges because at least \$100 of those charges are just fees. How in the hell are you all going to charge us for access to BPU and that's the only company we've got? Not one access charge, but two.

Mr. Garner, please consider giving us an extra minute. That is irritating with her, one minute left, one minute left. That is irritating. I'm sorry. I'm not trying to be disrespectful, but it takes away from our time of speaking and trying to...**Ms. Sparks** said your time has expired.

Ms. Manck said ...(inaudible) Board and let them know how we feel.

Susan Stevens, 4018 Silver Ave., Argentine neighborhood, said member of Community Conscious Action Network. I thank Mayor Garner for bringing this item to the agenda; Commissioner Bynum and everyone for working on it. I'm just really excited about—and I agree with the others who also said we don't need to stop here. We need to really, really alleviate the burden on the poor. I want to—I know one thing I'm hearing from people sometimes they're like, well, then that means services have to be cut because how are we going to cover the needed taxes. I really want to urge for us moving forward, every business that we want to bring on board to do business here like developers, everything, we should only bring in people who are really gung-ho

about they want to put back in this community. They want to pay full taxes. They don't want any free ride. **Mr. Deichler** said one minute.

Ms. Stevens said the novelist Stephen King, he wrote this article a while back, "I'm Rich, Tax Me." I mean that's the kind of people we want doing business here. People investing in this community and when they're getting rich, they want to put back into us. They want to pay all the taxes. They want to—I'm just saying we've got—and if they decide well, we're going to go to somebody who'll give us a better break, more free ride so we don't have to—so we can gut communities and not pour back into it then maybe we can start going back into our small businesses that we used to have.

I moved here to Argentine four years ago and what I heard was that there used to be just tons and tons of businesses up and down Strong Ave. That there was like a laundromat a few blocks from my house, I think. It is really good for my health, personally, to walk a mile to the nearest grocery store. I'm finding that very beneficial for me, personally. I walk a mile and a half to the laundromat. **Mr. Deichler** said your time has expired.

Ms. Stevens said, well, anyway, it's not that easy for everyone. It would be good to have more local, even smaller grocery stores closer.

Lisa Walker Yeager said I am going to talk about the definition of payment in lieu of taxes. It is for non-profit entities' payment in lieu of taxes or amounts paid to a state or a local government in place of taxes. Most commonly, property taxes, at issues, are the vast amount of land owned by universities, hospitals, and churches. You guys are taxing us twice. You just raised our taxes on our property. Okay? We had a discussion about houses and our elderly...**Mr. Deichler** said one minute.

Ms. Walker Yeager said ...that once they go up over \$350,000, that they will not be covered. I don't know if you guys are really listening to us. All I keep hearing you, Ms. Bynum, is talking about the \$31M and \$1M. No, that PILOT tax should not be on our utilities. There is no other entity that's doing this and you're talking about building the economy within our state. People are moving out of Wyandotte County because they cannot afford tax—the utilities. They cannot afford the taxes, the property taxes.

Our area, First District, looks like a desert literally where it had I don't know how many small businesses. So, as a small business, would I want to come here? No, because my utilities...**Mr. Deichler** said, ma'am, your time has expired.

Ms. Walker Yeager said ...are going to kill my small business, which I keep giving all these bonds out to these large corporations. **Mr. Deichler** said, ma'am, your time has expired.

Ms. Walker Yeager said so we have to work that out. I'm asking you guys please, please remove this from our utilities.

Thomas Gordon said I'm a resident of Wyandotte County. I've been here for more than 70 years. I just have a general question. I attended a BPU meeting not long ago and we asked the BPU representatives what was their purpose. They stated that their purpose was to deliver quality energy and water services. I ask the commissioners now; how can they be designated to be collectors of taxes? That is the question. There's no charter. There's no reason for the BPU to be collecting taxes. That is not part of their duties. That is not a part of their charter. It deems to be out of order. That needs to be corrected.

Mayor Garner asked, is there anyone else before I close the public comments that would like to speak about the BPU, specifically to BPU PILOT?

Mia Joe said look. This is what happened to me. Just to see how you all's ripping me off. I decided when I leave my home, I cut the main electric switch off to lower my bills. All right, they came out and switched over my meter. Okay. So then a month later, they come and redo it, re-switch it again. Now this is only because I'm lowering it. They're noticing that they ain't squeezing no money out of me. But then a third time, I get a note saying that if I don't be there for them to come and look into my house and see what's going on, that they were going to cut off my BPU.

I came to your meeting and said hey, look. I'm explaining what I'm saying right now. I cut my main switch off because I wanted to see how I can minimize my bill. You all trying to see how you all can modify that device to squeeze more money out because you all ain't getting no money out of me. That's just what happened. Oh, we'll send somebody out and see what's going on. No, what you want to do is come and tweak some more stuff on something so you all can raise

it up back to where you all think I should be paying. That's a rip off...**Mr. Deichler** said one minute.

Ms. Joe said ...and number one, trash. I put one little bag of trash and you all ripping me off for like \$16 a month. Older people eat less. So, what you all need to do is you all need to lower the trash prices on elderly people. You get one bag a week of trash and it ain't even full because I eat out. I don't eat them, right, but anyway.

Mayor Garner said thank you for all those comments. The only comment I have is that I know, Commissioner Kane, you got a question about the necessity. Commissioner Bynum and her task force are working diligently. This is really just a precursor to their work. Commissioner Bynum's task force was tasked with looking at the financials. This separates business from residential to at least allow for this Commission and for Commissioner Bynum's task force to do the hard work and have those debates on which, if any, to lower rates independent from each other. This allows for that. If not this year, at least sometime down the line and you can do it more responsibly as opposed to having them all combined, which would be even more of a tax hit.

Again, one of the things that I asked you, Ms. Bynum, and her task force to look at was those most in need in our community, which are those that are impoverished. I don't think any of us like paying our BPU bill, but there are some that are blessed to be able to pay our BPU bill along with out PILOT, but there are a lot of poor people in this town that are struggling to make ends meet.

When you look at the average of what a PILOT represents nationally, the average is 5.5%. Here, the equivalent of that and of ours is 11.9%. So, I know that it was raised, I believe, in 2009. I may be off a little bit, with some commitment that it would be lowered again and that has not happened. The Unified Government has maintained it at its current level.

So, I'm glad that we are having this conversation because people, especially those most in need and are poor in this community, they're getting cut off not because of the utilities that they utilize but because of the utilities and that tax because that's what it is and that's just real talk. So, trying to find a solution to that.

I think this is the first step. It doesn't commit the Unified Government, correct me if I'm wrong, counsel, to anything other than having this option when it comes to the budgetary considerations to have that option to be able to do it responsibly.

Mr. Waters said that's correct, Mayor. It just means in the next budget cycle that you would have options in terms of the rates.

Mayor Garner said with that, I'm going to close the public comments. Are there any further comments or discussions from our Commission in regard to this matter?

Commissioner Stites said, Mayor, what was—you said 5.9% was the national? **Mayor Garner** said it's about 5.5% is the national average. Regular utility companies call it a franchise fee. The equivalent is we have a PILOT.

Commissioner Stites said and we're currently at 11.9%. Is that correct? And you're saying that some time ago—obviously, prior to me. I wasn't here. I've only been here a year—that it was raised with the expectations that it was going to be reduced. Do we have any information as to why it was raised and what was the thought process behind that it would—what would make it come back down?

Mayor Garner said that's a good question. President/General Manager of the BPU is here. If you can weigh-in on that, that would really be great. We're glad to have him here.

Bill Johnson, General Manager, Board of Public Utilities, said I didn't bring anything with me. Obviously the speaker did, but I can certainly go off of memory. So, in 2009, the Unified Government was going through some budget issues/problems and you guys, I think, revenue had gone down, expenses were up. So, you were struggling with revenue losses and trying to get a budget passed at that time. So, both the BPU elected body and the Unified Government elected body at that time, came together here, in this chamber, and there was a conversation that took place on raising the PILOT from 9.9% at that time. I think it went up to 13.8%. Maybe, at one time, it may have been a one or a two-step process but it did go up to 13.8% with the promise to take it back down to 9.9%. So it went from 13.8% down to 11.9%, and has been at that level ever since that time. I don't have the years in front of me, but that's kind of the process we went through.

It was our understanding, in fact, this has been a conversation with our Board of Directors that they're anticipating—some of them remember, that were on the Board at that time that met with the Commission and remember exactly what was promised by the Unified Government Commission at that time. Unfortunately, it's never happened.

The Mayor is right. The national average for American public power is about 5.5%. That varies slightly over time, but that is about where the current average is. These are dollars, tax dollars that are levied against utility revenue and the people in this room and the people that are listening are paying for it.

Any other questions?

Commissioner Stites said I appreciate it. Honestly, I didn't mean to put you on the spot here tonight. I know you were not prepared.

Commissioner Stites said but here's my problem with it. The shortcomings of this Unified Government's budget shouldn't automatically defer to the taxpayers to make up that gap. If that 5.5%, if I'm doing my math right, to 11.9%, that's 6% to a total of; if 1% was \$1M roughly, that's \$6M. So, that's where I have the problem. It never came back down. What have we been doing to get it back down so people can afford to live here and pay their taxes and pay their bills?

I'm in favor of not only getting it down to a manageable number, but total elimination of the PILOT. With that, we have to also recognize that we're going to have to make some hard decisions with that revenue loss as to how we make up a balanced budget. So, we've got some homework ahead of us, but I think it's long overdue that we provide some sort of tax relief and this PILOT is a good start.

Mr. Johnson said I would leave you with this. I've been at BPU for over 40 years. Over that course of time, BPU has had to make many, many tough decisions on making sure that we become more efficient. We streamline our operations. We've lowered our costs. We've deferred raising rates. We've done a number of things to make sure that we didn't drop our service to the community, but we operated more efficient as a publicly-owned utility.

I think you're right looking in the right direction, and I think that there's some room to maybe build in more efficiency here.

Commissioner Davis said I'm so sorry to do this to you, Mr. Johnson, but I do have some questions for you. I'm so sorry. We talked about the PILOT, right, or the kind of service fee. There's also, right, the other large parts of the BPU bill, which is really electricity, right? **Mr. Johnson** said right.

Commissioner Davis said the PILOT itself is kind of a tax or a percentage of the entire bill. But if you look at the bulk of the bill, right, we're really talking about electricity. How do you all measure, right, electric use?

Mr. Johnson said there's two components, well, there's two components to the energy use. One is by how many kilowatts used over an hour period of time. That's kilowatt hours. That's mainly for residential customers. For commercial and large customers, there is a demand component to that too. So, within a 30-minute block window, depending on how much you use there, you'll get charged a demand charge on top of that.

There's two riders that's on our bill. One is called the environmental surcharge and the other one is just a fuel and purchase power charge. BPU generation, all the power that we generate is sent to the market, the SPP market. I'm not sure if it's the Southwest Power Pool market. It's comprised of like 14, 16 states. All bid all their generation into that market. The design behind that concept is, SPP would deliver the lowest price back to every community that it serves. So, they are operating by running the cheapest generation first. As load goes up, they'll add more and more loads, but it's a lot more efficient and less expensive to be operating that way as opposed to every utility trying to generate to its own load. That's the purchase power piece.

The other part is there's been a lot of federal regulation on closing down power plants. Utilities have kind of supported that to the best of our abilities, but we haven't gone as fast as some citizens have wanted or as fast as the federal government because I think we all want to get to a place where we're 100% renewable but it's going to take time.

Coal generation, for this region, is still one of the cheapest sources of power. It also provides reliability beyond what renewables can provide all by themselves. So, because of that, we had to spend \$250M on Nearman Power Plant just to keep it operational. To pay those bonds back, there was a rider placed on the bill to have to go back and pay for the debt that the federal government placed upon this utility.

Commissioner Davis said I guess I'm hinting at this because we're talking about kind of comparing our rates and how the PILOT is much higher. As far as what we charge for electricity, how do we compare to our peers, Power & Light and others?

Mr. Johnson said we are very competitive with Evergy; Kansas City Power & Light and Westar before they merged and after the merger. We're also very competitive with Independence.

I think there is a graph on our website that kind of shows how we compare with all of our competitors in the region.

On the water side, we're also competitive there too. I'm not sure if the water graph is there. I think it is, but I don't want to have you looking for something I'm not certain about.

Commissioner Davis said no, and I would love it if you can have your staff send me that information.

Commissioner Davis said the other thing I would ask is, for the public, just so you all know, we actually do receive audits or a budget from you all. We kind of look at your performance, and I kind of pay attention when I have time, right? **Mr. Johnson** said right.

Commissioner Davis said you all had a pretty good year when it comes to your revenues versus expenses. Would that be fair?

Mr. Johnson said, well, we have recovered from COVID. There was a time where we had to work with all customer classes and defer revenue; push it further out, not giving a lot of customers more time to pay. There was a time, also, that we allowed some of the state programs to kick in and start helping for rental and utility assistance from the state. So, we put in, I think, three or four moratoriums for almost a year's time, if you add them all up. We didn't disconnect. We allowed the public to be able to help get back on their own feet during the pandemic, and the BPU will start helping and also providing utility assistance along the way, too.

Commissioner Davis said I guess the only reason why I'm bringing that up is because I saw, and I don't know if this is correct or not, Bill, it's like a 30 plus or a \$30M plus revenue, right, more than your expenses. It was pretty—I don't know if that's accurate. I'm kind of throwing numbers out there. But those are numbers that we dream to have here at the Unified Government to see, right, our revenues much higher.

And so I just wanted us to kind of be aware, as we're having these conversations about the PILOT, that BPU is doing very, very well, right, and if we're going to have questions about...**Mr. Johnson** said I wouldn't go that far. **Commissioner Davis** said better than the Unified Government. If we are going to have questions about the PILOT, which I would absolutely be in favor of, I also think maybe we can gather the Board members and talk about water and electric rates.

Commissioner Davis said the last thing I will say on this is, I know that the bulk of the rates is residential centered; however, there are other folks who probably would have an opinion on this. I'm thinking about non-profit organizations. I'm thinking about churches. I'm thinking about schools. I just wonder what engagement we should do with them to say to them, your rates stay the same, but to residents, it changes. I don't have any opinion on that particular matter, but I do think it would behoove us to engage those folks as well.

Mr. Johnson said, Commissioner Davis, one last thing. I'd be happy to meet with you. Have a conversation of what we call contribution to the community and where the Unified Government sits in there.

Commissioner Markley asked, is this item for action?

Action: **Commissioner Markley made a motion, seconded by Commissioner Townsend, that Commissioner Bynum's committee continue their work to include the comments and discussion had we had tonight, and to bring us back recommendations as we move closer to budget time.**

Mayor Garner said we have a motion for this to proceed forward.

Commissioner Townsend asked, is there any idea at this point when that committee may be through with this work to make a presentation that takes into account a lot of just the basic questions about what the PILOT is, how we got there, and bring back not only this recommendation, but any other and to who these cuts may apply to? And more importantly, what the financial impact it's going to be to our budget. Someone has already made mention that we're going to have to grit our teeth to do this, and we've heard tonight that people want trash picked up. They're talking about code enforcement. So, that means we would have less money, but if that's the will of the people, that's fine. But my point is we need to do this in an environment and at a time that we understand everything that that's going to mean.

So, I would support the motion to come back. I kind of forgot to ask again, Commissioner, when you think your committee will be concluded with their work.

Commissioner Kane said what I'd like to do is when the next *Citizen* we put out, have an explanation of the PILOT with that. The reason I say that—and then when we have these meetings, have somebody out here, put up the chart right here on the wall and say here's what the PILOT is and here's where the expenses are going so everyone, on the screen, can see here's what's happening. I absolutely think that we need to put this in the *Citizen*. If it takes the bulk of the *Citizen*, that's fine; but to explain what the PILOT is, how it got started. There was a find in the middle of all that. This just didn't happen in the last couple of years. This has been an ongoing thing ever since I've been here. So, it's certainly that we need to explain to the public what happened, why it happened, and what our next move is.

Commissioner Bynum said we had hoped in March without a definitive date, but we have a work session to work on our presentation and our recommendations sometime in March because, again, we're trying to get ahead of the budget cycle and bring it to the full Commission for exactly this kind of discussion. A date in March that, again, I've been talking with the Mayor that could be a special session or part of a regular meeting that's already on the agenda. That's the best I can do right now is March.

Commissioner Burroughs said, Commissioner, I think it's a worthy cause to continue to pursue what we can do about the PILOT. I guess I want to make sure I fully understand that the residential PILOT is what we've been discussing and the resolution this evening was to separate the two out. So, are we going to have that included in the research work that goes in because I believe the \$6M that you referred to, Commissioner Stites, referred to only residential. It didn't refer to commercial. I think there may be some confusion there. So, I'd hope that whatever action we take, that we're understanding of exactly what we're doing and what part of the budget will be affected by what entity. So, I just wanted to make sure that we were clear on all of that.

Mayor Garner said there is a motion and a second. I would just ask, Commissioner Bynum, you have a task force and I know you all are doing the brunt of the work and it's a good relationship to have, those stakeholders. Because this is a complexed issue I'm hearing and a lot of questions from our commissioners, once you get your work done, if we can forward that to standing committee to have it vetted even further before it comes back to full Commission, that's just an

ask on my part. I think that would allow for a lot more clarity and for staff to spend a lot more time on this. So, when it does get to this body, the commissioners will have the information they need to make an informed decision at that time, especially as we go through the budget cycle.

There is a motion and a second for it to proceed.

Commissioner Markley said I was just going to clarify following Commissioner Burroughs' comments, but I do intend for that committee to both look at the separation of the PILOT, as discussed tonight, and the amount of the PILOT and all related issues.

Mayor Garner asked, Commissioner Townsend, do you concur with that? Okay. So, we have a motion and a second. Any further discussion? Clerk, roll call.

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

Item No. 3 - 212246...ORDINANCE/RESOLUTION: RELATING TO TERM LIMITS AND PROHIBITONS ON UNIFIED GOVERNMENT COMMISSION MEMBERS

Synopsis: Ordinances/resolution relating to term limits and prohibitions on Unified Government Commission members holding office or employment with the Unified Government after their term of office, submitted by Misty Brown, Chief Counsel.

Action: Item previously removed from the agenda, per the blue sheet.

Item No. 4 - 212251...ORDINANCE/RESOLUTION: ADJUSTING COMPENSATION AND BENEFITS OF THE COMMISSION

Synopsis: Ordinance/resolution adjusting compensation and benefits of the Commission, submitted by Misty Brown, Chief Counsel.

Action: Item previously removed from the agenda, per the blue sheet.

Item No. 5 – 212252...RESOLUTION: AMENDING UNIFIED GOVERNMENT RULES OF PROCEDURES RELATING TO TRAVEL ON UNIFIED GOVERNMENT BUSINESS

Synopsis: Resolution amending Unified Government Rules of Procedures relating to travel on Unified Government business, submitted by Misty Brown, Chief Counsel.

Action: **Item previously removed from the agenda, per the blue sheet.**

CONSENT AGENDA

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

I will entertain a motion for approval of the Regular Consent Agenda.

Action: **Commissioner Davis made a motion, seconded by Commissioners Ramirez and Markley, to approve.**

Mayor Garner said we have a motion and a second. Is there any further discussion? **Mr. Deichler** said just to clarify. Who actually got in first on the second? **Commissioner Markley** said whoever you pick. **Mr. Deichler** said I'll put both.

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

Item No. 1 – 212196...APPROVAL: ACCESS, INNOVATION, AND COLLABORATION GRANT AWARD

Synopsis: Request approval to accept KDOT's Access, Innovation, and Collaboration (AIC) grant funds totaling \$1,253,390 to fund six public transportation-related projects, submitted by Ryan Hurst, Transportation Manager. There are UG matching funds required. On January 23, 2023, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to the full commission.

Action: **ORDINANCE NO. O-9-23/RESOLUTION NO. R-5-23, "An ordinance and resolution for the acceptance of state funds by the Unified Government of**

Wyandotte County/Kansas City, Kansas under the Access, Innovation, and collaboration (AIC) Program of the Kansas Department of Transportation.” **Commissioner Davis made a motion, seconded by Commissioners Ramirez and Markley, to approve the ordinance and adopt the resolution.** Roll call was taken and there were ten “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum.

Item No. 2 – 212199...RESOLUTION: APPROVING PROPOSED WYANDOTTE COUNTY PRE-DISASTER RECOVERY PLAN

Synopsis: A resolution approving the proposed Wyandotte County Pre-Disaster Recovery Plan, submitted by Matt May, Emergency Management Director. On January 23, 2023, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to the full commission.

Action: **RESOLUTION NO. R-6-23**, “A resolution to authorize the development and adoption of the Wyandotte County Pre-Disaster Recovery Plan.” **Commissioner Davis made a motion, seconded by Commissioners Ramirez and Markley, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum.

Item No. 3 – 212204...ORDINANCE: REQUESTING APPROVAL FOR AMENDMENTS TO CHAPTER 35 TRAFFIC ATV

Synopsis: Approval of amendments to the Code of Ordinances relating to all-terrain vehicles, submitted by Chief Karl Oakman, Kansas City, Kansas Police Department. On January 23, 2023, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to the full commission.

Action: **ORDINANCE NO. O-10-23**, “An ordinance relating to Chapter 35 Traffic, adding new Article XXI. All-Terrain Vehicles (ATVs) Sections 35-967 through 35-971; and repealing Article X. All-Terrain Vehicles (ATV’s) from Chapter 19 Licenses, Permits and Miscellaneous Business Regulations Sections 19-304 through 19-310,

of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Davis made a motion, seconded by Commissioners Ramirez and Markley, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum.

Item No. 4 – 212202...RESOLUTION: AUTHORIZING AN AGREEMENT BETWEEN WYCO SHERIFF’S OFFICE AND KCK POLICE DEPARTMENT WITHIN THE UNINCORPORATED CITY OF LORING, KANSAS

Synopsis: This is a resolution authorizing the approval of an agreement between the Wyandotte County Sheriff’s Office and the Kansas City, Kansas Police Department regarding the provision of law enforcement services within the unincorporated city of Loring, Kansas, pursuant to K.S.A. 22-2401a, submitted by Casey Meyer, Legal Department. On January 23, 2023, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to the full commission.

Action: **RESOLUTION NO. R-7-23,** “A resolution authorizing the approval of an interagency agreement between the Wyandotte County Sheriff’s Office and the Kansas City Kansas Police Department regarding the provision of public safety services to Loring, Kansas.” **Commissioner Davis made a motion, seconded by Commissioners Ramirez and Markley, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum.

Item No. 5 – 212203...RESOLUTION: APPROVING THE SALE OF UG PROPERTY AND RENOVATION OF THE ARMOURDALE PUMP STATION

Synopsis: A resolution approving the sale of Unified Government property and authorizing the purchase of land necessary for the renovation of the Armourdale Pump Station, submitted by Joe Barnes, Public Works Department; and James Bain, Legal Department. On January 23, 2023, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to the full commission.

Action: **RESOLUTION NO. R-8-23**, “A resolution approving the sale of Unified Government property to 402 Central Ave., LLC and authorizing the Interim County Administrator to purchase land necessary for the renovation of the Armourdale Pump Station.” **Commissioner Davis made a motion, seconded by Commissioners Ramirez and Markley, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum.

Item No. 6 – 213...REPORT: 2022 COMMISSION TRAVEL

Synopsis: A report on 2022 Commission travel, submitted by Thomas Wiss, Legislative Auditor.

Action: **For information only.**

Item No. 7 – 212245...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Denise Dias to the Wyandotte/Leavenworth Advisory Council on Aging, 2/2/2023 to 12/31/2023, submitted by Commissioner Bynum.

Cindy Hopewell to the Wyandotte/Leavenworth Advisory Council on Aging, 2/2/2023 to 12/31/2023, submitted by Commissioner Ramirez.

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

Item No. 8 – MINUTES

Synopsis: Minutes from the Commission meeting on March 31, 2022; and the Special Session meeting on December 8, 2022.

Action: **Commissioner Davis made a motion, seconded by Commissioners Ramirez and Markley, to approve.** Roll call was taken and there were ten “Ayes,”

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

Item No. 9 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business materials dated January 12, 2023.

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

COMMISSIONERS' AGENDA

No items.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

No items.

PUBLIC ANNOUNCEMENT

No items.

ADJOURN

Mayor Garner said we have no further business tonight with this governing body. I'll entertain a motion to adjourn.

Action: Commissioner Burroughs made a motion, seconded by Commissioner Davis, to adjourn.

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

Commissioner Townsend said before we adjourn, presumably, I did want to set the record straight from some comments made in the public comments. Just so folks know, I have been a member of

the Land Bank since 2013, but I hold no other power beyond any of the other four commissioners I serve with. I'm not running anything other than that. You are open to come to our meetings and understand what the processes are. We endeavor to serve everyone in the community equally. So, I wanted to make that clear as well.

Also, let somebody think that you can only put out one bag of trash. Our trash is unlimited of the amount of refuse. Thank you, Mayor, for allowing me to clear that.

Mayor Garner said with a motion and a second, roll call, please.

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

MAYOR GARNER
ADJOURNED THE MEETING AT 9:30 P.M.
February 2, 2023

Brett A. Deichler, PMP|CPM
Unified Government Clerk

cg

February 2, 2023

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

SPECIAL MEETING, THURSDAY, FEBRUARY 8, 2024

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, February 8, 2024, with eight members present: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; Burns, Commissioner Second District; Ramirez, Commissioner Third District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Burroughs, Commissioner At-Large Second District and Mayor Pro Tem; presiding. Hill, Commissioner Fourth District; and Kane, Commissioner Fifth District; were absent. The following officials were also in attendance: Bridgette Cobbins, Assistant County Administrator; Angela Lawson, Interim Chief Counsel; Kevin Bibbs, IT Director; and Monica Sparks, Interim Unified Government Clerk.

Mayor Pro Tem Burroughs called the meeting to order at 6:00 p.m.

ROLL CALL: Townsend, Burns, Ramirez, Lopez, Stites, Davis, Bynum, Burroughs.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in person on Thursday, February 8, 2024, at 6:00 p.m. in the fifth floor conference room of the Municipal Office Building for an Executive Session regarding security.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Pro Tem Burroughs asked, do we have a motion to go into Executive Session to discuss matters related to Security Measures?

Commissioner Bynum made a motion, seconded by Commissioner Stites, to go into Executive Session until 6:30 p.m. to discuss security confidentially, so as not to jeopardize the integrity of security practices and procedures intended to protect public building or facility or the information system of a public body, all justified under the security measures exception in the Kansas Open Meetings Act; and that the following staff be present to participate in the discussion: Bridgette Cobbins, Assistant County Administrator; Angela Lawson, Acting Chief Council; and Kevin Bibbs, Director of Technology; and that we reconvene in open session at 6:30 p.m. here in the 5th floor conference room. Roll call was taken and there were seven “Ayes,” Townsend, Burns, Ramirez, Lopez, Stites, Davis, Bynum.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; Burns, Commissioner Second District; Ramirez, Commissioner Third District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Burroughs, Mayor Pro Tem, presiding. **Staff present:** Bridgette Cobbins, Assistant County Administrator; Angela Lawson, Interim Chief Counsel; and Kevin Bibbs, Director of Technology.

Mayor Pro Tem Burroughs reconvened back into Special Meeting at 6:30 p.m.

Commissioner Ramirez made a motion, seconded by Commissioner Davis, to adjourn. Roll call was taken and there were seven “Ayes,” Townsend, Burns, Ramirez, Lopez, Stites, Davis, Bynum.

**MAYOR PRO TEM BURROUGHS AJOURNED
THE MEETING AT 6:31 p.m.**

Monica L. Sparks
Interim Unified Government Clerk

dt

February 8, 2024



Unified Government Clerk's Office

Monica L. Sparks
Interim Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
Interim UG Clerk

Date: January 25, 2024

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

JG

Weekly Business Material for January 19, 2024 – January 25, 2024

1. CLAIM FOR DAMAGES:

- Jamie & Tommy Brann, Kansas City, KS, alleging Unified Government plow truck ran over mailbox on 1/8/24-1/9/24.

Action: Received and filed. Copies previously forwarded to Legal.

2. TRAVEL REQUESTS:

- Jason Allen and Keith Falkner, KCKPD, travel to Irving Texas, February 13 -17, to attend ATV Instructor, Employee Training & Travel.
- Jonathan Bennett, Golf Course, travel to Phoenix, AZ, January 29 -February 1, to attend GCSAA Conference, Trade Show & Golf Championship, Employee Training & Travel.
- Madison Bush and Elaina Sassine, Health Department, travel to St. Louis, MO, March 18-March 21, to attend SOPHE 2024 Annual Conference, Employee Training & Travel.
- John Diaz, KCKPD, travel to Gardner, KS, February 26 - March 1, to attend IA Training, Employee Training & Travel.
- Jeff Fisher, Public Works, travel to Dallas, TX, February 26 - February 28, to attend Roads & Bridges Summit, Employee Training & Travel.
- John Grosko, KCKPD, travel to Cincinnati, OH, January 28 - January 30, to attend Cincinnati Police Captain Assessment, Employee Training & Travel.
- Lindsey Hensley, Health Department, travel to St. Louis, MO, March 18 - March 21, to attend SOPHE 2024 Annual Conference, Employee Training & Travel.
- Michael Kroening, Sheriff Department, travel to Atlanta, GA, May 1 -May 5, to attend Professionalizing Law Enforcement Community Engagement Training, Employee Training & Travel.
- Cameron Morgan, KCKPD, travel to Hoover, AL, March 3 - March 22, to attend Amped Five Main Class, Employee Training & Travel.
- Karl A. Oakman, KCKPD, travel to New Orleans, LA, March 5 - March 9, to attend Collective Bargaining for Public Safety Employees, Employee Training & Travel.
- Daniel Soptic, Sheriff, travel to Washington, DC, February 2 - February 5, to attend National Sheriff's Assn.-Winter Conference, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Debbie Jonscher, Assistant Finance Director Alyse Villarreal, Fiscal Officer djonscher@wycokck.org, avillarreal@wycokck.org x5847, x5273	Finance
AGENDA ITEM #XIII.1.		
ORDINANCE/RESOLUTION: SALE AND ISSUANCE OF GENERAL OBLIGATION 2024-A BONDS		
SYNOPSIS		
An ordinance authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2024-A and a resolution authorizing and directing the sale and delivery of General Obligation Improvement Bonds, Series 2024-A, submitted by Deborah Jonscher, Interim Chief Financial Officer. Sale of bonds was approved at the Full Commission Meeting held 12/7/2023 Full Commission. Issuances of debt will obligate the UG into making principal and interest payment for 20 years.		
BACKGROUND		
Approval of a resolution/ordinance authorizing and providing for the issuance and sale of General Obligation Improvement Bonds, Series 2024-A, submitted by Debbie Jonscher, Interim Chief Financial Officer.		
RECOMMENDATION		
Approve This is for the 2/29/2024 Full Commission. Recommended for approval.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
None		
PROCUREMENT CONSIDERATIONS		
None		
LEGAL CONSIDERATIONS		
General Obligation debt issuances obligate the UG to levy ad valorem taxes sufficient to cover the debt.		
ATTACHMENTS		
Bond Ordinance and Resolution - GOB 2024-A (UG)		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator Dated:

[G.O. BASIC DOCUMENTS]

- A. Excerpt of Minutes of Meeting approving sale, approving Ordinance/Bond Resolution
- B. Ordinance
- C. Summary Ordinance
- D. Bond Resolution

**EXCERPT OF MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS HELD
ON FEBRUARY 29, 2024**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____.

Absent: _____.

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Acting Chief Financial Officer reported that pursuant to the Notice of Bond Sale, bids for the purchase of General Obligation Improvement Bonds, Series 2024-A, of the Unified Government had been received. A tabulation of said bids is set forth as **EXHIBIT A** hereto.

The governing body reviewed and considered the bids and it was found and determined that the bid of [Name of Purchaser], [Purchaser City, State], was the best bid for the Bonds, a copy of which is attached hereto as **EXHIBIT B**.

There was presented an Ordinance entitled:

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF
GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2024-A, OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL
TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON
SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER
DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING
CERTAIN COVENANTS WITH RESPECT THERETO.**

Commissioner _____ moved that said Ordinance be passed. The motion was seconded by Commissioner _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

The Mayor/CEO declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. O-__-24 was signed and approved by the Mayor/CEO and attested by the Clerk, and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the Unified Government.

There was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2024-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-__-24 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

The Mayor/CEO declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-__-24 and was signed by the Mayor/CEO and attested by the Clerk.

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

EXHIBIT A

BID TABULATION

**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2024-A**

EXHIBIT B

BID OF PURCHASER

ORDINANCE NO. O-__-24

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

PASSED

FEBRUARY 29, 2024

**GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2024-A**

ORDINANCE NO. O-__-24

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2024-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, pursuant to Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Unified Government has authorized certain public improvement projects of the Unified Government (such improvements and any Substitute Improvements are further described in a resolution adopted by the governing body of the Unified Government on this date, and are hereinafter referred to as the “Improvements”); and

WHEREAS, the governing body of the Unified Government is authorized by law to issue general obligation bonds of the Unified Government to pay a portion of the costs of the Improvements; and

WHEREAS, the governing body of the Unified Government has advertised the sale of the Bonds in accordance with the law and hereby awards the sale of such Bonds to the best bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“Bond and Interest Fund” means the Bond and Interest Fund of the Unified Government for its general obligation bonds.

“Bond Resolution” means the resolution to be adopted by the governing body of the Unified Government prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the Unified Government’s General Obligation Improvement Bonds, Series 2024-A, dated March 27, 2024, authorized by this Ordinance.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk, Acting Clerk or Interim Clerk of the Issuer.

“Improvements” means the improvements referred to in the preamble to this Ordinance and any Substitute Improvements.

“Mayor/CEO” means the duly elected and acting Mayor/CEO of the Unified Government or, in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Unified Government.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Refunded Notes” means a portion of the Series 2023-I Notes in the aggregate principal amount of \$26,068,807.95.

“Series 2023-I Notes” means the Unified Government’s Municipal Temporary Notes, Series 2023-I, dated March 16, 2023.

“State” means the State of Kansas.

“Substitute Improvements” means the substitute or additional improvements of the Unified Government authorized in the manner set forth in the Bond Resolution.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Improvement Bonds, Series 2024-A, of the Unified Government in the principal amount of \$[PRINCIPAL AMOUNT] for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay costs of issuance of the Bonds; and (c) retire the Refunded Notes.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the Unified Government payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government. The full faith, credit and resources of the Unified Government are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the Unified Government.

Section 5. Levy and Collection of Annual Tax. The governing body of the Unified Government shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira and excluding the unincorporated area of the Unified Government, in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the Unified Government are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Unified Government and to reimburse said general funds for money so expended when said taxes are collected.

Section 6. Further Authority. The Mayor/CEO, Clerk and other Unified Government officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the Unified Government, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Unified Government newspaper.

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PASSED by the governing body of the Unified Government on February 29, 2024 and **APPROVED AND SIGNED** by the Mayor/CEO.

(SEAL)

Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

Unified Government Legal Department

(PUBLISHED IN THE *WYANDOTTE ECHO* ON MARCH 7, 2024)

SUMMARY OF ORDINANCE NO. O-__-24

On February 29, 2024, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2024-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 2024-A Bonds approved by the Ordinance are being issued in the principal amount set forth therein to finance certain internal improvements in the Unified Government, and constitute general obligations of the Unified Government payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Clerk of the Unified Government, 701 N. 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <http://public.wycokck.org/sites/ugordinancesresolutions/Pages/default.aspx>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: February 29, 2024.

Acting Chief Counsel

RESOLUTION NO. R-__-24

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

ADOPTED

FEBRUARY 29, 2024

**GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2024-A**

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RESOLUTION NO. R-__-24

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2024-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-__-24 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has previously passed the Ordinance authorizing the issuance of the Bonds;
and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas all as amended and supplemented from time to time.

["AGM"] means Assured Guaranty Municipal Corp., a New York domiciled financial guaranty insurance company, or any successor thereto.]

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

["BAM"] means Build America Mutual Assurance Company, a New York domiciled mutual insurance corporation, or any successor thereto.]

“Beneficial Owner” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Bond Insurance Policy” means the municipal bond insurance policy issued by the Bond Insurer concurrently with the delivery of the Bonds guaranteeing the scheduled payment when due of the principal of and interest on the Bonds.

“Bond Insurer” means [] with respect to the Bonds.]

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the State Treasurer, and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” or **“Bond”** means the General Obligation Improvement Bonds, Series 2024-A, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC and any successor nominee of DTC.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk, Acting Clerk or Interim Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Dated Date” means March 27, 2024.

“Debt Service Account” means the Debt Service Account for General Obligation Improvement Bonds, Series 2024-A created within the Bond and Interest Fund pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such

amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) [evidences of ownership of proportionate interests in future interest and principal payments on United States Government Obligations held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor and the underlying United States Government Obligations are not available to any person claiming through the custodian or to whom the custodian may be obligated; or]

(c) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody’s or Standard & Poor’s that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Disclosure Undertaking” means the Continuing Disclosure Undertaking dated as of the Issue Date relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

- (a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;
- (b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or
- (c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution (other than the covenants relating to continuing disclosure requirements contained herein and in the Disclosure Undertaking) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for General Obligation Improvement Bonds, Series 2024-A created pursuant to *Section 501* hereof.

“Improvements” means the following improvements and any Substitute Improvements:

ACD	Project Name	Improvement Fund Deposit*
9410322	Annual Concrete Repair Program, 2022	\$[1,528,000.18
9410822	Annual Neighborhood ADA Pedestrian Handicapped Ramps, 2022	832,503.48
9410922	Fairfax Industrial Area Improvements, 2022	104,062.93
9411020	Annual R/R Crossing Improvement, 2020	158,400.05
9411222	Annual Alley Improvement Program, 2022	316,800.11
9420119	Annual Bridge Repair, 2019	209,662.95
9420121	Annual Bridge Repair, 2021	316,800.11
9420122	Annual Bridge Repair, 2022	300,203.14
9430120	Annual Priority Traffic Signal Replacements, 2020	408,831.43
9430121	Annual Priority Traffic Signal Replacements, 2021	827,478.82
9480122	Annual Elevator Upgrades, 2022	520,314.67
9480222	Annual Facilities/Parking Annual Maintenance & Repair, 2022	739,200.25
9480320	Annual ADA Modifications-UG Facilities, 2020	104,872.17
9480321	Annual ADA Modifications-UG Facilities, 2021	104,062.93
9480322	Annual ADA Modifications-UG Facilities, 2022	104,062.93
9698013	Maintenance Facility Quarter Master Project	1,560,944.01
9698176	City Hall Structure and Stabilization	6,100,656.73
9701054	Fiber Connectivity Projects, 2018-2020	422,613.98
9701073	7th St./US-69 and Central Ave. Reconstruction	890,720.15
9701618	Hutton & Donahoo Rd Intersection Improvements	365,595.74
9701609	Hutton & Leavenworth Road Intersection	1,049,608.98
9701072	6 th St. Improvements, Anne Ave. to Central Ave.	107,650.08
9460521	Annual Sanitary Sewer System Capacity Upgrades, 2021	3,576,688.09
9460522	Annual Sanitary Sewer System Capacity Upgrades, 2022	1,526,404.34
9636045	Kaw Point Bio solids Digestion	3,484,781.53
9636039	Relocation of Sewer Maintenance Facilities	4,032,410.53
9636354	Annual Monitoring and Control Improvements, 2018-2020	6,560,933.11
9450222	Annual Stream Bank Stabilization Improvements, 2022	104,074.49
9635317	Stormwater Enhancements, 2021	516,846.21
9450322	Stormwater Enhancements, 2022	500,000.00]
	Total	\$[_____]

* *Excludes Costs of Issuance.*

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Bond Resolution.

[**“Insurer’s Fiscal Agent”** means the agent designated by the Bond Insurer pursuant to the Bond Insurance Policy.]

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Bond which shall be February 1 and August 1 of each year, commencing February 1, 2025.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer [with notice to the Bond Insurer].

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
Attn: Clerk
701 N. 7th Street, Suite 323
Kansas City, Kansas 66101
Email: clerkwest@wycokck.org

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Email: fiscal@treasurer.ks.gov

(c) To the Purchaser:

[Name of Purchaser]

[Purchaser City, State] _____
Email: [_____]

(d) To the Rating Agency(ies):

Moody’s
7 World Trade Center
250 Greenwich Street, 23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

[(e) To the Bond Insurer:

_____, _____
Telephone: () ____ - ____; Fax: () ____ - ____]

or such other address as is furnished in writing to the other parties referenced herein.

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.
- [(e) With respect to the Bond Insurer, Attn: Managing Director – Surveillance – Re: Policy No. _____.]

“Official Statement” means Issuer’s Official Statement relating to the Bonds.

“Ordinance” means Ordinance No. O-__-24 of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

“Outstanding” means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

- (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds deemed to be paid in accordance with the provisions of *Article VII* hereof; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder; and
- (d) Bonds, the principal or interest of which has been paid by the Bond Insurer].

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody’s or Standard & Poor’s; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f); or (m) other investment obligations authorized by the laws of the State and approved in writing by the Bond Insurer], all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Bonds plus accrued interest to the date of delivery, plus a [net] premium of \$[_____], less an underwriting discount of \$[_____].

“Purchaser” means [Name of Purchaser], [Purchaser City, State], the original purchaser of the Bonds, and any successor and assigns.

“Rating Agency” means any company, agency or entity that provides, pursuant to request of the Issuer, financial ratings for the Bonds.

“Rebate Fund” means the Rebate Fund for General Obligation Improvement Bonds, Series 2024-A created pursuant to **Section 501** hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” means, when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Bond Resolution.

“Redemption Price” means, when used with respect to any Bond to be redeemed, the price at which such Bond is to be redeemed pursuant to the terms of this Bond Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Refunded Notes” means a portion of the Series 2023-I Notes in the aggregate principal amount of \$26,068,807.95.

“Refunded Notes Paying Agent” means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent for any of the Refunded Notes.

“Refunded Notes Redemption Date” means April 1, 2024.

“Refunded Notes Resolution” means the resolution which authorized the Refunded Notes.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with *Section 210* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2023-I Notes” means the Unified Government’s Municipal Temporary Notes, Series 2023-I, dated March 16, 2023.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” or “S&P” means S&P Global Ratings, a division of S&P Global, Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer [with notice to the Bond Insurer].

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

[**“20__ Term Bonds”** means the Bonds scheduled to mature in the year 20__.

“20__ Term Bonds” means the Bonds scheduled to mature in the year 20__.

“Term Bonds” means collectively the 20__ Term Bonds and the 20__ Term Bonds.]

“Treasurer” means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“**Unified Government**” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“**United States Government Obligations**” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. The Bonds have been previously authorized and directed to be issued pursuant to the Ordinance in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay Costs of Issuance; and (c) retire the Refunded Notes.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in *Article III* hereof, and shall bear interest at the rates per annum as follows:

SERIAL BONDS

Stated Maturity <u>August 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>	Stated Maturity <u>August 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
2025			2035		
2026			2036		
2027			2037		
2028			2038		
2029			2039		
2030			2040		
2031			2041		
2032			2042		
2033			2043		
2034			2044		

[TERM BONDS

Stated Maturity <u>August 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
20__	—	

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor/CEO of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar[, and shall appoint a successor Paying Agent at the request of the Bond Insurer,] by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor [acceptable to the Bond Insurer] has been appointed and has accepted the duties of Paying Agent or Bond Registrar. [Each successor Paying Agent shall be approved in writing by the Bond Insurer before the appointment of such successor Paying Agent shall become effective.]

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be

payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to **Article III** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this **Article II**.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by [the Bond Insurer or] the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual, electronic, or facsimile signature of the Mayor/CEO, attested by the manual, electronic, or facsimile signature of the Clerk, and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual, electronic, or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual, electronic or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds; or

(b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of

any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in an Authorized Denominations and form as provided herein.

Section 211. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the appropriate officers of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter

or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the SEC Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor/CEO and acting chief financial officer of the Issuer are hereby authorized to execute the Official Statement as so supplemented, amended and completed, and the use and public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Bonds. The sale of the Bonds to the Purchaser is hereby approved and confirmed. The Mayor/CEO and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Bonds shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Bond Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, Bonds maturing on August 1 in the years 2034, and thereafter, will be subject to redemption and payment prior to their Stated Maturity on August 1, 2033, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the Redemption Date.

[**Mandatory Redemption.** (a) 20__ Term Bonds. The 20__ Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in **Article IV** hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on August 1 in each year, the following principal amounts of such 20__ Term Bonds:

<u>Principal Amount</u>	<u>Year</u>
\$	<u>20__</u>
	<u>20__</u> *

*Final Maturity

(b) 20__ Term Bonds. The 20__ Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a

Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in *Article IV* hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on August 1 in each year, the following principal amounts of such 20__ Term Bonds:

<u>Principal Amount</u>	<u>Year</u>
\$	20__
	20__*

*Final Maturity

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the Issuer may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the Issuer under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection. Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the Issuer to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity as designated by the Issuer, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the Issuer intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the Issuer will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption payment.]

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on

the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. [The foregoing provisions of this paragraph shall not apply in the case of any mandatory redemption of Term Bonds hereunder, and Term Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the Issuer and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.]

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar, [the Bond Insurer] and the State Treasurer. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice

from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by, to the extent necessary, levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer, in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be transferred to the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

- (a) Improvement Fund for General Obligation Improvement Bonds, Series 2024-A; and
- (b) Debt Service Account for General Obligation Improvement Bonds, Series 2024-A (within the Bond and Interest Fund); and
- (c) Rebate Fund for General Obligation Improvement Bonds, Series 2024-A.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

(a) All accrued interest (if any) received from the sale of the Bonds shall be deposited in the Debt Service Account.

(b) The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying a portion of the costs of the Improvements, in accordance with the plans and specifications therefor approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the governing body of the Issuer; (b) paying interest on the Bonds during construction of the Improvements; (c) paying Costs of Issuance; (d) retiring the Refunded Notes on the Refunded Notes Redemption Date; and (e) transferring any amounts to the Rebate Fund required by this *Article V*.

Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Bonds provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution or ordinance authorizing the use of the proceeds of the Bonds to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section; (3) the Attorney General of the State has approved the amendment made by such resolution or ordinance to the transcript of proceedings for the Bonds to include the Substitute Improvements; and (4) the use of the proceeds of the Bonds to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Bonds under State or federal law.

(b) The Issuer may reallocate expenditure of Bond proceeds among all Improvements financed by the Bonds; provided the following conditions are met: (1) the reallocation shall not cause the proceeds of the Bonds allocated to any Improvement to exceed the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-65-23/Ordinance No. O-133-23 of the Issuer; and (2) the reallocation will not adversely affect the tax-exempt status of the Bonds under State or federal law. If the Issuer desires to reallocate Bond proceeds to Improvements in an amount in excess of the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-65-23/Ordinance No. O-133-23 of the Issuer, then the Issuer shall follow the procedures set forth in subparagraph (a) of this Section prior to such reallocation of Bond proceeds.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption

Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Bond Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Bonds.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States which has a main or branch office located in the Issuer. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Bond Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds may, at the discretion of the Issuer, be credited to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall, subject to any determination in such action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

[Section 604. Control of Remedies Upon an Event of Default and Event of Insolvency. Notwithstanding anything herein to the contrary, upon the occurrence and continuance of an Event of

Default, the Bond Insurer, provided the Bond Insurance Policy is in full force and effect and the Bond Insurer shall not be in default thereunder, shall be entitled to control and direct the enforcement of all rights and remedies granted to the Owners under this Bond Resolution. Any reorganization or liquidation plan with respect to the Issuer must be acceptable to the Bond Insurer. In the event of any reorganization or liquidation, the Bond Insurer shall have the right to vote on behalf of all Owners who hold the Bonds insured by the Bond Insurer absent a default by the Bond Insurer under the applicable Bond Insurance Policy insuring such Bonds.]

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with *Article III* hereof. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution. [The Issuer shall notify the Bond Insurer of any defeasance under this Section.

Notwithstanding anything in this Bond Resolution to the contrary, in the event that the principal and/or interest due on the Bonds shall be paid by the Bond Insurer pursuant to the Bond Insurance Policy, the Bonds shall remain Outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the Issuer and the covenants, agreements and other obligations of the Issuer to the Owners shall continue to exist and shall run to the benefit of the Bond Insurer, and the Bond Insurer shall be subrogated to the rights of such Owners.]

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor/CEO, acting chief financial officer of the Issuer and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to *Article VII* hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

[ARTICLE IX

PROVISIONS RELATING TO THE BOND INSURANCE POLICY

Section 901. Payment Procedure Pursuant to Bond Insurance Policy. As long as the Bond Insurance Policy shall be in full force and effect, the Issuer and the Paying Agent agree to comply with the following provisions:

(a) If, on the Business Day prior to the related Stated Maturity there is not on deposit with the Paying Agent, after making all transfers and deposits required under the Bond Resolution, moneys sufficient to pay the principal of and interest on the Bonds due on such Stated Maturity, the Paying Agent shall give notice to the Bond Insurer and to the Insurer's Fiscal Agent by telephone or telecopy of the amount of such deficiency by 1:00 p.m., New York City time, on such Business Day. If, on the related Stated Maturity, there continues to be a deficiency in the amount available to pay the principal of and interest on the Bonds due on such Stated Maturity, the Paying Agent shall make a claim under the Bond Insurance Policy and give notice to the Bond Insurer and the Insurer's Fiscal Agent (if any) by telephone of the amount of such deficiency, and the allocation of such deficiency between the amount required to pay interest on the Bonds and the amount required to pay principal on the Bonds, confirmed in writing to the Bond Insurer and the Insurer's Fiscal Agent by 1:00 p.m., New York City time, on such Stated Maturity by filling in the form of Notice of Claim and Certificate delivered with the Bond Insurance Policy.

(b) In the event the claim to be made is for a mandatory sinking fund redemption installment, upon receipt of the moneys due, the Paying Agent shall authenticate and deliver to affected Owners who surrender their Bonds a new Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered. The Paying Agent shall designate any portion of payment of principal on Bonds paid by the Bond Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Bonds registered to the then current Owner, whether DTC or its nominee or otherwise, and shall issue a replacement Bond to the Bond Insurer, registered in the name of the Bond Insurer, in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Paying Agent's failure to

so designate any payment or issue any replacement Bond shall have no effect on the amount of principal or interest payable by the Issuer on any Bond or the subrogation rights of the Bond Insurer.

The Paying Agent shall keep a complete and accurate record of all funds deposited by the Bond Insurer into the Policy Payments Account (as hereinafter defined) and the allocation of such funds to payment of interest on and principal paid in respect of any Bond. The Bond Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Paying Agent.

Upon payment of a claim under the Bond Insurance Policy the Paying Agent shall establish a separate special purpose trust account for the benefit of Owners referred to herein as the "Policy Payments Account" and over which the Paying Agent shall have exclusive control and sole right of withdrawal. The Paying Agent shall receive any amount paid under the Bond Insurance Policy in trust on behalf of Owners and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Paying Agent to Owners in the same manner as principal and interest payments are to be made with respect to the Bonds under the sections hereof regarding payment of Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments.

Funds held in the Policy Payments Account shall not be invested by the Paying Agent and may not be applied to satisfy any costs, expenses or liabilities of the Paying Agent.

Any funds remaining in the Policy Payments Account following a Stated Maturity date shall promptly be remitted to the Bond Insurer.

(c) The Bond Insurer shall, to the extent it makes any payment of principal of or interest on the Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Bond Insurance Policy.

(d) The Issuer agrees to pay or reimburse the Bond Insurer any and all charges, fees, costs and expenses which the Bond Insurer may reasonably pay or incur in connection with (1) the administration, enforcement, defense or preservation of any rights or security in respect of the Bond Resolution, (2) the pursuit of any remedies under the Bond Resolution or otherwise afforded by law or equity, (3) any amendment, waiver or other action with respect to, or related to, the Bond Resolution whether or not executed or completed, (4) the violation by the Issuer of any law, rule or regulation, or any judgment, order or decree applicable to it or (5) any litigation or other dispute in connection with the Bond Resolution or the transactions contemplated thereby, other than amounts resulting from the failure of the Bond Insurer to honor its obligations under the Bond Insurance Policy. The Bond Insurer reserves the right to charge a reasonable fee as a condition to executing any amendment, waiver or consent proposed in respect of the Bond Resolution.

(e) Payments required to be made to the Bond Insurer shall be payable solely from the taxes levied pursuant to **Article IV** hereof and shall be paid (1) prior to an Event of Default, to the extent not paid from the Debt Service Account, and (2) after an Event of Default, with respect to amounts other than principal and interest on the Bonds, on the same priority as payments to the Paying Agent for expenses. The obligations to the Bond Insurer shall survive discharge or termination of the Bond Resolution.

(f) The Bond Insurer shall be entitled to pay principal or interest on the Bonds that shall become Due for Payment but shall be unpaid by reason of Nonpayment by the Issuer (as such terms are defined in the Bond Insurance Policy) and any amounts due on the Bonds as a result of acceleration of the

maturity thereof in accordance with this Bond Resolution, whether or not the Bond Insurer has received a Notice (as defined in the Bond Insurance Policy) of Nonpayment or a claim upon the Bond Insurance Policy.

Section 902. Consent of the Bond Insurer. Any provision of this Bond Resolution expressly recognizing or granting rights in or to the Bond Insurer may not be amended in any manner which affects the rights of the Bond Insurer hereunder without the prior written consent of the Bond Insurer.

The Bond Insurer's consent shall be required in addition to Owner consent, when required, for the execution and delivery of any supplemental resolution, or any amendment, supplement or change to or modification of other documents relating to the security for the Bonds; removal or substitution of the Paying Agent; or approval of any action or document requiring approval of the Owners.

The Bond Insurer shall be deemed to be the sole Owner of the Bonds insured by it for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the Owners of the Bonds insured by it are entitled to take pursuant to this Bond Resolution.

Section 903. Notices to the Bond Insurer.

(a) While the Bond Insurance Policy is in effect, the Issuer shall, in addition to the other notice requirements contained in this Bond Resolution, furnish to the Bond Insurer:

(1) As soon as practicable after the filing thereof, a copy of any financial statement, audit and/or annual report of the Issuer;

(2) A copy of any notice to be given to the Owners, including, without limitation, notice of any redemption of or defeasance of Bonds, and any certificate rendered pursuant to this Bond Resolution relating to the security for the Bonds;

(3) Notice of an Event of Default within five business days after the occurrence of such event; and

(4) Such additional information as the Bond Insurer may reasonably request.

(b) The Issuer shall notify the Bond Insurer of any failure of the Issuer to provide relevant notices, certificates, etc.

(c) The Issuer will permit the Bond Insurer to discuss the affairs, finances and accounts of the Issuer or any information the Bond Insurer may reasonably request regarding the security for the Bonds with appropriate officers of the Issuer. The Issuer will permit the Bond Insurer to have access to and to make copies of all books and records relating to the Bonds at any reasonable time.

(d) The Bond Insurer shall have the right to direct an accounting at the Issuer's expense, and the Issuer's failure to comply with such direction within thirty (30) days after receipt of written notice of the direction from the Bond Insurer shall be deemed an Event of Default hereunder; provided, however, that if compliance cannot occur within such period, then such period will be extended so long as compliance is begun within such period and diligently pursued, but only if such extension would not materially adversely affect the interests of any Owner.

(e) Notwithstanding any other provision of this Bond Resolution, the Issuer shall immediately notify the Bond Insurer if at any time there are insufficient moneys to make any payments of principal and/or interest as required and immediately upon the occurrence of any Event of Default hereunder.

(f) In each case in which notice or other communication to the Bond Insurer refers to an Event of Default or with respect to which failure on the part of the Bond Insurer to respond shall be deemed to constitute consent or acceptance, then a copy of such notice or other communication shall also be sent to the attention of General Counsel and shall be marked to indicate “URGENT MATERIAL ENCLOSED.”

Section 904. Third Party Beneficiary. To the extent that this Bond Resolution confers upon or gives or grants to the Bond Insurer any right, remedy, or claim under or by reason of this Bond Resolution, the Bond Insurer is hereby explicitly recognized as being a third-party beneficiary hereunder and may enforce any such right, remedy or claim conferred, given or granted hereunder.

Section 905. Parties Interested Herein. Nothing in this Bond Resolution, expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the Issuer, the Bond Insurer, the Paying Agent and the Owners, any right, remedy or claim under or by reason of this Bond Resolution, or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Bond Resolution contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Paying Agent, the Bond Insurer and the Owners of the Bonds.

Section 906. Suspension of Bond Insurer's Rights. Rights of the Bond Insurer to direct or consent to actions granted under this Bond Resolution shall be suspended during any period in which the Bond Insurer is in default in its payment obligations under the Bond Insurance Policy (except to the extent of amounts previously paid by the Bond Insurer and due and owing to the Bond Insurer) and shall be of no force or effect in the event the Bond Insurance Policy is no longer in effect or the Bond Insurer asserts that the Bond Insurance Policy is not in effect or the Bond Insurer shall have provided written notice that it waives such rights.]

ARTICLE X

CONTINUING DISCLOSURE REQUIREMENTS

Section 1001. Disclosure Requirements. The Mayor/CEO and Clerk are hereby authorized and directed to execute the Disclosure Undertaking in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, the provisions of which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 1002. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. [The Purchaser or Beneficial Owner shall provide a copy of any such demand or notice to the Bond Insurer.] Notwithstanding any other provision of this Bond Resolution, failure of the Issuer to comply with its covenants contained in the preceding section shall not be considered an Event of Default under this Bond Resolution.

ARTICLE XI

MISCELLANEOUS PROVISIONS

Section 1101. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Section 1102. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by ordinance or resolution of the Issuer with the written consent of [the Bond Insurer and] the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by [the Bond Insurer and] such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by ordinance or resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of [the Bond Insurer and] the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Bonds among Improvements, to provide for Substitute Improvements, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners. Copies of any amendments shall be provided to each Rating Agency at least 10 days prior to the effective date thereof.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of [the Bond Insurer and] the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the governing body of the Issuer amending or

supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental ordinance or resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, [shall be delivered to the Bond Insurer] and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the ordinance or resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Bond Insurer and the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 1103. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution,

Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 1104. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly delivered by prepaid overnight delivery service or mailed by registered or certified mail, postage prepaid; or (b) communicated via electronic mail, with confirmation of delivery receipt, read receipt or otherwise. Copies of such notices shall also be given to the Paying Agent [and the Bond Insurer]. The Issuer, the Paying Agent, [the Bond Insurer] and the Purchaser may from time to time designate, by notice given hereunder to the others of

such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) delivery service or certified or registered mail as aforesaid shall be deemed duly given as of the date they are so provided to the delivery service or mailed, respectively; (b) electronic mail as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1105. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described in this Bond Resolution may be conducted, and documents related to the Bonds may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1106. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1107. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 1108. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1109. Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on February 29, 2024.

(SEAL)

Mayor/CEO

ATTEST:

Interim Unified Government Clerk

Approved as to Form:

Unified Government Legal Department

EXHIBIT A
(FORM OF BONDS)

REGISTERED
NUMBER R-__

REGISTERED
\$

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation (“DTC”), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS
GENERAL OBLIGATION IMPROVEMENT BOND
SERIES 2024-A

Interest
Rate:

Maturity
Date:

Dated
Date: March 27, 2024

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, in the County of Wyandotte, State of Kansas (the “Issuer”), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to the Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on February 1 and August 1 of each year, commencing February 1, 2025 (the “Interest Payment Dates”), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the “Paying Agent” and “Bond Registrar”). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s)

for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated “General Obligation Improvement Bonds, Series 2024-A,” aggregating the principal amount of \$[PRINCIPAL AMOUNT] (the “Bonds”) issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Bonds and the Resolution of the Issuer prescribing the form and details of the Bonds (collectively, the “Bond Resolution”). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Bonds constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity, as set forth in the Bond Resolution.

Book-Entry System. The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository’s participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest, and any

redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual, electronic, or facsimile signature of its Mayor/CEO and attested by the manual, electronic, or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

[(Facsimile Seal)]

By: _____ (facsimile)
Mayor/CEO

ATTEST:

By: _____ (facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Improvement Bonds, Series 2024-A, of the Unified Government of Wyandotte County/Kansas City, Kansas, described in the within-mentioned Bond Resolution.

Registration Date _____

Office of the State Treasurer,
Topeka, Kansas,
as Bond Registrar and Paying Agent

Registration Number _____

By _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

The undersigned, Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify that the within Bond has been duly registered in my office according to law as of March 27, 2024.

WITNESS my hand and official seal.

(Facsimile Seal)

By: _____ (facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

STEVEN JOHNSON, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in the office of the State Treasurer, and that this Bond was registered in such office according to law on _____, 2024.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)

[STATEMENT OF INSURANCE

_____, _____, _____ (“_____”), has delivered its municipal bond insurance policy (the “Policy”) with respect to the scheduled payments due of principal of and interest on this Bond to the Treasurer of the State of Kansas, Topeka, Kansas, or its successor, as paying agent for the Bonds (the "Paying Agent"). Said Policy is on file and available for inspection at the principal office of the Paying Agent and a copy thereof may be obtained from _____ or the Paying Agent. All payments required to be made under the Policy shall be made in accordance with the provisions thereof. The owner of this Bond acknowledges and consents to the subrogation rights of _____ as more fully set forth in the Policy.]



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Debbie Jonscher, Assistant Finance Director Alyse Villarreal, Fiscal Officer djonscher@wycokck.org, avillarreal@wycokck.org x5847, x5273	Finance
AGENDA ITEM #XIII.2.		
RESOLUTION: GENERAL OBLIGATION 2024-B COUNTY BOND SALE		
SYNOPSIS		
BACKGROUND		
An ordinance authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2024-B and a resolution authorizing and directing the sale and delivery of General Obligation Improvement Bonds, Series 2024-B, submitted by Deborah Jonscher, Interim Chief Financial Officer. <i>Sale of bonds was approved at the Full Commission Meeting held 12/7/2023 Full Commission.</i>		
RECOMMENDATION		
Approve This is for the 2/29/2024 Full Commission. Recommended for approval.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
Issuances of debt will obligate the UG into making principal and interest payment for 20 years.		
IT/POLICY CONSIDERATIONS		
None		
PROCUREMENT CONSIDERATIONS		
None		
LEGAL CONSIDERATIONS		
General Obligation debt issuances obligate the UG to levy ad valorem taxes sufficient to cover the debt.		
ATTACHMENTS		
Bond Resolution - GOB 2024-B (UG)		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator Dated:

[G.O. BASIC DOCUMENTS]

- A. Excerpt of Minutes of Meeting approving sale, approving Bond Resolution
- B. Bond Resolution

**EXCERPT OF MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
HELD ON FEBRUARY 29, 2024**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____.

Absent: _____.

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Acting Chief Financial Officer reported that pursuant to the Notice of Bond Sale, bids for the purchase of General Obligation Improvement Bonds (Wyandotte County Projects), Series 2024-B, of the Unified Government had been received. A tabulation of said bids is set forth as **EXHIBIT A** hereto.

The governing body reviewed and considered the bids and it was found and determined that the bid of [Name of Purchaser], [Purchaser City, State], was the best bid for the Bonds, a copy of which is attached hereto as **EXHIBIT B**.

There was presented a Resolution entitled:

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT BONDS (WYANDOTTE COUNTY PROJECTS), SERIES 2024-B, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

The Mayor/CEO declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-__-24 and was signed by the Mayor/CEO and attested by the Clerk.

* * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

EXHIBIT A

BID TABULATION

**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
GENERAL OBLIGATION IMPROVEMENT BONDS
(WYANDOTTE COUNTY PROJECTS)
SERIES 2024-B**

EXHIBIT B

BID OF PURCHASER

RESOLUTION NO. R-__-24

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

ADOPTED

FEBRUARY 29, 2024

**GENERAL OBLIGATION IMPROVEMENT BONDS
(WYANDOTTE COUNTY PROJECTS)
SERIES 2024-B**

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RESOLUTION NO. R-__-24

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT BONDS (WYANDOTTE COUNTY PROJECTS), SERIES 2024-B, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, pursuant to K.S.A. 19-101a, as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Unified Government has authorized certain improvements to be made in the Unified Government (hereinafter defined as the “Improvements”); and

WHEREAS, the governing body of the Unified Government is authorized by law to issue general obligation bonds of the Unified Government to pay a portion of the costs of the Improvements; and

WHEREAS, the governing body of the Unified Government has advertised the sale of the Bonds in accordance with the law and at a meeting held in the Unified Government on this date awarded the sale of such Bonds to the best bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“**Act**” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, K.S.A. 10- 620 *et seq.* and K.S.A. 19-101a, all as amended and supplemented from time to time.

[“**AGM**” means Assured Guaranty Municipal Corp., a New York domiciled financial guaranty insurance company, or any successor thereto.]

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

["BAM” means Build America Mutual Assurance Company, a New York domiciled mutual insurance corporation, or any successor thereto.]

“Beneficial Owner” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

["Bond Insurance Policy” means the municipal bond insurance policy issued by the Bond Insurer concurrently with the delivery of the Bonds guaranteeing the scheduled payment when due of the principal of and interest on the Bonds.

“Bond Insurer” means [] with respect to the Bonds.]

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the State Treasurer, and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” or **“Bond”** means the General Obligation Improvement Bonds (Wyandotte County Projects), Series 2024-B, authorized and issued by the Issuer pursuant to this Bond Resolution.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC and any successor nominee of DTC.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk, Acting Clerk or Interim Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Dated Date” means March 27, 2024.

“Debt Service Account” means the Debt Service Account for General Obligation Improvement Bonds (Wyandotte County Projects), Series 2024-B created within the Bond and Interest Fund pursuant to *Section 501* hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) [evidences of ownership of proportionate interests in future interest and principal payments on United States Government Obligations held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor and the underlying United States Government Obligations are not available to any person claiming through the custodian or to whom the custodian may be obligated; or]

(c) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody’s or Standard & Poor’s that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Disclosure Undertaking” means the Continuing Disclosure Undertaking dated as of the Issue Date relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

- (a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;
- (b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or
- (c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution (other than the covenants relating to continuing disclosure requirements contained herein and in the Disclosure Undertaking) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for General Obligation Improvement Bonds (Wyandotte County Projects), Series 2024-B created pursuant to *Section 501* hereof.

“Improvements” means the following improvements and any Substitute Improvements:

ACD	Project Name	Improvement Fund Deposit*
9717316	APX Radio Replacement Project	\$5,547,897.82
1807318	DA Digitizing/Archiving	1,069,802.18
	Total	\$

* *Excludes Costs of Issuance.*

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Bond Resolution.

[**“Insurer’s Fiscal Agent”** means the agent designated by the Bond Insurer pursuant to the Bond Insurance Policy.]

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Bond which shall be February 1 and August 1 of each year, commencing February 1, 2025.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer [with notice to the Bond Insurer].

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
Attn: Clerk
701 N. 7th Street, Suite 323
Kansas City, Kansas 66101
Email: clerkwest@wycokck.org

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201

Topeka, Kansas 66612-1235
Email: fiscal@treasurer.ks.gov

(c) To the Purchaser:

[Name of Purchaser]

[Purchaser City, State] _____
Email: []

(d) To the Rating Agency(ies):

Moody's
7 World Trade Center
250 Greenwich Street, 23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

[(e) To the Bond Insurer:

_____, _____
Telephone: () ____ - ____; Fax: () ____ - ____]

or such other address as is furnished in writing to the other parties referenced herein.

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.
- [(e) With respect to the Bond Insurer, Attn: Managing Director – Surveillance – Re: Policy No. _____.]

“Official Statement” means Issuer’s Official Statement relating to the Bonds.

“Outstanding” means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

- (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds deemed to be paid in accordance with the provisions of *Article VII* hereof; [and]

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder[; and

(d) Bonds, the principal or interest of which has been paid by the Bond Insurer].

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody’s or Standard & Poor’s; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f)[; or (m) other investment obligations authorized by the laws of the State and approved in writing by the Bond Insurer], all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Bonds plus accrued interest to the date of delivery, plus a [net] premium of \$[_____], less an underwriting discount of \$[_____].

“Purchaser” means [Name of Purchaser], [Purchaser City, State], the original purchaser of the Bonds, and any successor and assigns.

“Rating Agency” means any company, agency or entity that provides, pursuant to request of the Issuer, financial ratings for the Bonds.

“Rebate Fund” means the Rebate Fund for General Obligation Improvement Bonds (Wyandotte County Projects), Series 2024-B created pursuant to **Section 501** hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” means, when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Bond Resolution.

“Redemption Price” means, when used with respect to any Bond to be redeemed, the price at which such Bond is to be redeemed pursuant to the terms of this Bond Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Refunded Notes” means the Series 2023-II Notes in the aggregate principal amount of \$6,480,000.

“Refunded Notes Paying Agent” means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent for any of the Refunded Notes.

“Refunded Notes Redemption Date” means April 1, 2024.

“Refunded Notes Resolution” means the resolution which authorized the Refunded Notes.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with **Section 210** hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2023-II Notes” means the Unified Government’s Municipal Temporary Notes, Series 2023-II (Wyandotte County Projects), dated March 16, 2023.

“Special Record Date” means the date fixed by the Paying Agent pursuant to **Article II** hereof for the payment of Defaulted Interest.

“Standard & Poor’s” or “S&P” means S&P Global Ratings, a division of S&P Global, Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer [with notice to the Bond Insurer].

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

[**“20__ Term Bonds”** means the Bonds scheduled to mature in the year 20__.

“20__ Term Bonds” means the Bonds scheduled to mature in the year 20__.

“Term Bonds” means collectively the 20__ Term Bonds and the 20__ Term Bonds.]

“Treasurer” means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Improvement Bonds (Wyandotte County Projects), Series 2024-B, in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay Costs of Issuance; and (c) retire the Refunded Notes.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in *Article III* hereof, and shall bear interest at the rates per annum as follows:

SERIAL BONDS

Stated Maturity <u>August 1</u>	Principal <u>Amount</u>	Annual Rate <u>of Interest</u>	Stated Maturity <u>August 1</u>	Principal <u>Amount</u>	Annual Rate <u>of Interest</u>
2025			2030		
2026			2031		
2027			2032		
2028			2033		

2029

2034

[TERM BONDS]

Stated Maturity	Principal	Annual Rate
<u>August 1</u>	<u>Amount</u>	<u>of Interest</u>
20__	—	

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor/CEO of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar[, and shall appoint a successor Paying Agent at the request of the Bond Insurer], by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor [acceptable to the Bond Insurer] has been appointed and has accepted the duties of Paying Agent or Bond Registrar. [Each successor Paying Agent shall be approved in writing by the Bond Insurer before the appointment of such successor Paying Agent shall become effective.]

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds,

by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to

provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to **Article III** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this **Article II**.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by [the Bond Insurer or] the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual, electronic, or facsimile signature of the Mayor/CEO, attested by the manual, electronic, or facsimile signature of the Clerk, and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual, electronic, or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual, electronic or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has

been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds; or

(b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in an Authorized Denominations and form as provided herein.

Section 211. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its

date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the appropriate officers of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the SEC Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor/CEO and acting chief financial officer of the Issuer are hereby authorized to execute the Official Statement as so supplemented, amended and completed, and the use and public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Bonds. The sale of the Bonds to the Purchaser is hereby approved and confirmed. The Mayor/CEO and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Bonds shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Bond Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, Bonds maturing on August 1 in the years 2032, and thereafter, will be subject to redemption and payment prior to their Stated Maturity on August 1, 2031, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the Redemption Date.

[**Mandatory Redemption.** (a) 20 Term Bonds. The 20 Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in **Article IV** hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on August 1 in each year, the following principal amounts of such 20 Term Bonds:

**Principal
Amount**
\$

Year
20__
20__*

*Final Maturity

(b) 20 *Term Bonds*. The 20 Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in *Article IV* hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on August 1 in each year, the following principal amounts of such 20 Term Bonds:

**Principal
Amount**
\$

Year
20__
20__*

*Final Maturity

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the Issuer may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the Issuer under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection. Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the Issuer to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity as designated by the Issuer, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the Issuer intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the Issuer will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption payment.]

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying

Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. [The foregoing provisions of this paragraph shall not apply in the case of any mandatory redemption of Term Bonds hereunder, and Term Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the Issuer and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.]

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar, [the Bond Insurer] and the State Treasurer. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice

from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by, to the extent necessary, levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer, in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be transferred to the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

(a) Improvement Fund for General Obligation Improvement Bonds (Wyandotte County Projects), Series 2024-B; and

(b) Debt Service Account for General Obligation Improvement Bonds (Wyandotte County Projects), Series 2024-B (within the Bond and Interest Fund); and

(c) Rebate Fund for General Obligation Improvement Bonds (Wyandotte County Projects), Series 2024-B.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

(a) All accrued interest (if any) received from the sale of the Bonds shall be deposited in the Debt Service Account.

(b) The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying a portion of the costs of the Improvements, in

accordance with the plans and specifications therefor approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the governing body of the Issuer; (b) paying interest on the Bonds during construction of the Improvements; (c) paying Costs of Issuance; (d) retiring the Refunded Notes on the Refunded Notes Redemption Date; and (e) transferring any amounts to the Rebate Fund required by this *Article V*.

Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Bonds provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution authorizing the use of the proceeds of the Bonds to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section; (3) the Attorney General of the State has approved the amendment made by such resolution to the transcript of proceedings for the Bonds to include the Substitute Improvements; and (4) the use of the proceeds of the Bonds to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Bonds under State or federal law.

(b) The Issuer may reallocate expenditure of Bond proceeds among all Improvements financed by the Bonds; provided the following conditions are met: (1) the reallocation is approved by the governing body of the Issuer; (2) the reallocation shall not cause the proceeds of the Bonds allocated to any Improvement to exceed the Financeable Costs of the Improvement; and (3) the reallocation will not adversely affect the tax-exempt status of the Bonds under State or federal law.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax

Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Bond Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Bonds.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States which has a main or branch office located in the Issuer. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Bond Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds may, at the discretion of the Issuer, be credited to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall, subject to any determination in such action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

[Section 604. Control of Remedies Upon an Event of Default and Event of Insolvency. Notwithstanding anything herein to the contrary, upon the occurrence and continuance of an Event of Default, the Bond Insurer, provided the Bond Insurance Policy is in full force and effect and the Bond Insurer shall not be in default thereunder, shall be entitled to control and direct the enforcement of all rights and remedies granted to the Owners under this Bond Resolution. Any reorganization or liquidation plan with respect to the Issuer must be acceptable to the Bond Insurer. In the event of any reorganization or liquidation, the Bond Insurer shall have the right to vote on behalf of all Owners who hold the Bonds insured by the Bond Insurer absent a default by the Bond Insurer under the applicable Bond Insurance Policy insuring such Bonds.]

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or

prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Article III** hereof. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution. [The Issuer shall notify the Bond Insurer of any defeasance under this Section.]

Notwithstanding anything in this Bond Resolution to the contrary, in the event that the principal and/or interest due on the Bonds shall be paid by the Bond Insurer pursuant to the Bond Insurance Policy, the Bonds shall remain Outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the Issuer and the covenants, agreements and other obligations of the Issuer to the Owners shall continue to exist and shall run to the benefit of the Bond Insurer, and the Bond Insurer shall be subrogated to the rights of such Owners.]

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor/CEO, acting chief financial officer of the Issuer and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to **Article VII** hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

[ARTICLE IX

PROVISIONS RELATING TO THE BOND INSURANCE POLICY

Section 901. Payment Procedure Pursuant to Bond Insurance Policy. As long as the Bond Insurance Policy shall be in full force and effect, the Issuer and the Paying Agent agree to comply with the following provisions:

(a) If, on the Business Day prior to the related Stated Maturity there is not on deposit with the Paying Agent, after making all transfers and deposits required under the Bond Resolution, moneys sufficient to pay the principal of and interest on the Bonds due on such Stated Maturity, the Paying Agent shall give notice to the Bond Insurer and to the Insurer's Fiscal Agent by telephone or telecopy of the amount of such deficiency by 1:00 p.m., New York City time, on such Business Day. If, on the related Stated Maturity, there continues to be a deficiency in the amount available to pay the principal of and interest on the Bonds due on such Stated Maturity, the Paying Agent shall make a claim under the Bond Insurance Policy and give notice to the Bond Insurer and the Insurer's Fiscal Agent (if any) by telephone of the amount of such deficiency, and the allocation of such deficiency between the amount required to pay interest on the Bonds and the amount required to pay principal on the Bonds, confirmed in writing to the Bond Insurer and the Insurer's Fiscal Agent by 1:00 p.m., New York City time, on such Stated Maturity by filling in the form of Notice of Claim and Certificate delivered with the Bond Insurance Policy.

(b) In the event the claim to be made is for a mandatory sinking fund redemption installment, upon receipt of the moneys due, the Paying Agent shall authenticate and deliver to affected Owners who surrender their Bonds a new Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered. The Paying Agent shall designate any portion of payment of principal on Bonds paid by the Bond Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Bonds registered to the then current Owner, whether DTC or its nominee or otherwise, and shall issue a replacement Bond to the Bond Insurer, registered in the name of the Bond Insurer, in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Paying Agent's failure to so designate any payment or issue any replacement Bond shall have no effect on the amount of principal or interest payable by the Issuer on any Bond or the subrogation rights of the Bond Insurer.

The Paying Agent shall keep a complete and accurate record of all funds deposited by the Bond Insurer into the Policy Payments Account (as hereinafter defined) and the allocation of such funds to payment of interest on and principal paid in respect of any Bond. The Bond Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Paying Agent.

Upon payment of a claim under the Bond Insurance Policy the Paying Agent shall establish a separate special purpose trust account for the benefit of Owners referred to herein as the "Policy Payments Account" and over which the Paying Agent shall have exclusive control and sole right of withdrawal. The Paying Agent shall receive any amount paid under the Bond Insurance Policy in trust on behalf of Owners and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Paying Agent to Owners in the same manner as principal and interest payments are to be made with respect to the Bonds under the sections hereof regarding payment of Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments.

Funds held in the Policy Payments Account shall not be invested by the Paying Agent and may not be applied to satisfy any costs, expenses or liabilities of the Paying Agent.

Any funds remaining in the Policy Payments Account following a Stated Maturity date shall promptly be remitted to the Bond Insurer.

(c) The Bond Insurer shall, to the extent it makes any payment of principal of or interest on the Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Bond Insurance Policy.

(d) The Issuer agrees to pay or reimburse the Bond Insurer any and all charges, fees, costs and expenses which the Bond Insurer may reasonably pay or incur in connection with (1) the administration, enforcement, defense or preservation of any rights or security in respect of the Bond Resolution, (2) the pursuit of any remedies under the Bond Resolution or otherwise afforded by law or equity, (3) any amendment, waiver or other action with respect to, or related to, the Bond Resolution whether or not executed or completed, (4) the violation by the Issuer of any law, rule or regulation, or any judgment, order or decree applicable to it or (5) any litigation or other dispute in connection with the Bond Resolution or the transactions contemplated thereby, other than amounts resulting from the failure of the Bond Insurer to honor its obligations under the Bond Insurance Policy. The Bond Insurer reserves the right to charge a reasonable fee as a condition to executing any amendment, waiver or consent proposed in respect of the Bond Resolution.

(e) Payments required to be made to the Bond Insurer shall be payable solely from the taxes levied pursuant to *Article IV* hereof and shall be paid (1) prior to an Event of Default, to the extent not paid from the Debt Service Account, and (2) after an Event of Default, with respect to amounts other than principal and interest on the Bonds, on the same priority as payments to the Paying Agent for expenses. The obligations to the Bond Insurer shall survive discharge or termination of the Bond Resolution.

(f) The Bond Insurer shall be entitled to pay principal or interest on the Bonds that shall become Due for Payment but shall be unpaid by reason of Nonpayment by the Issuer (as such terms are defined in the Bond Insurance Policy) and any amounts due on the Bonds as a result of acceleration of the maturity thereof in accordance with this Bond Resolution, whether or not the Bond Insurer has received a Notice (as defined in the Bond Insurance Policy) of Nonpayment or a claim upon the Bond Insurance Policy.

Section 902. Consent of the Bond Insurer. Any provision of this Bond Resolution expressly recognizing or granting rights in or to the Bond Insurer may not be amended in any manner which affects the rights of the Bond Insurer hereunder without the prior written consent of the Bond Insurer.

The Bond Insurer's consent shall be required in addition to Owner consent, when required, for the execution and delivery of any supplemental resolution, or any amendment, supplement or change to or modification of other documents relating to the security for the Bonds; removal or substitution of the Paying Agent; or approval of any action or document requiring approval of the Owners.

The Bond Insurer shall be deemed to be the sole Owner of the Bonds insured by it for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the Owners of the Bonds insured by it are entitled to take pursuant to this Bond Resolution.

Section 903. Notices to the Bond Insurer.

(a) While the Bond Insurance Policy is in effect, the Issuer shall, in addition to the other notice requirements contained in this Bond Resolution, furnish to the Bond Insurer:

(1) As soon as practicable after the filing thereof, a copy of any financial statement, audit and/or annual report of the Issuer;

(2) A copy of any notice to be given to the Owners, including, without limitation, notice of any redemption of or defeasance of Bonds, and any certificate rendered pursuant to this Bond Resolution relating to the security for the Bonds;

(3) Notice of an Event of Default within five business days after the occurrence of such event; and

(4) Such additional information as the Bond Insurer may reasonably request.

(b) The Issuer shall notify the Bond Insurer of any failure of the Issuer to provide relevant notices, certificates, etc.

(c) The Issuer will permit the Bond Insurer to discuss the affairs, finances and accounts of the Issuer or any information the Bond Insurer may reasonably request regarding the security for the Bonds with appropriate officers of the Issuer. The Issuer will permit the Bond Insurer to have access to and to make copies of all books and records relating to the Bonds at any reasonable time.

(d) The Bond Insurer shall have the right to direct an accounting at the Issuer's expense, and the Issuer's failure to comply with such direction within thirty (30) days after receipt of written notice of the direction from the Bond Insurer shall be deemed an Event of Default hereunder; provided, however, that if compliance cannot occur within such period, then such period will be extended so long as compliance is begun within such period and diligently pursued, but only if such extension would not materially adversely affect the interests of any Owner.

(e) Notwithstanding any other provision of this Bond Resolution, the Issuer shall immediately notify the Bond Insurer if at any time there are insufficient moneys to make any payments of principal and/or interest as required and immediately upon the occurrence of any Event of Default hereunder.

(f) In each case in which notice or other communication to the Bond Insurer refers to an Event of Default or with respect to which failure on the part of the Bond Insurer to respond shall be deemed to constitute consent or acceptance, then a copy of such notice or other communication shall also be sent to the attention of General Counsel and shall be marked to indicate "URGENT MATERIAL ENCLOSED."

Section 904. Third Party Beneficiary. To the extent that this Bond Resolution confers upon or gives or grants to the Bond Insurer any right, remedy, or claim under or by reason of this Bond Resolution, the Bond Insurer is hereby explicitly recognized as being a third-party beneficiary hereunder and may enforce any such right, remedy or claim conferred, given or granted hereunder.

Section 905. Parties Interested Herein. Nothing in this Bond Resolution, expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the Issuer, the Bond Insurer, the Paying Agent and the Owners, any right, remedy or claim under or by reason of this Bond Resolution, or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Bond Resolution contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Paying Agent, the Bond Insurer and the Owners of the Bonds.

Section 906. Suspension of Bond Insurer's Rights. Rights of the Bond Insurer to direct or consent to actions granted under this Bond Resolution shall be suspended during any period in which the Bond Insurer is in default in its payment obligations under the Bond Insurance Policy (except to the extent of amounts previously paid by the Bond Insurer and due and owing to the Bond Insurer) and shall be of no force or effect in the event the Bond Insurance Policy is no longer in effect or the Bond Insurer asserts that

the Bond Insurance Policy is not in effect or the Bond Insurer shall have provided written notice that it waives such rights.]

ARTICLE X

CONTINUING DISCLOSURE REQUIREMENTS

Section 1001. Disclosure Requirements. The Mayor/CEO and Clerk are hereby authorized and directed to execute the Disclosure Undertaking in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, the provisions of which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 1002. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. [The Purchaser or Beneficial Owner shall provide a copy of any such demand or notice to the Bond Insurer.] Notwithstanding any other provision of this Bond Resolution, failure of the Issuer to comply with its covenants contained in the preceding section shall not be considered an Event of Default under this Bond Resolution.

ARTICLE XI

MISCELLANEOUS PROVISIONS

Section 1101. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Section 1102. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by resolution of the Issuer with the written consent of [the Bond Insurer and] the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by [the Bond Insurer and] such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;

- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of [the Bond Insurer and] the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Bonds among Improvements, to provide for Substitute Improvements, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners. Copies of any amendments shall be provided to each Rating Agency at least 10 days prior to the effective date thereof.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of [the Bond Insurer and] the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the Issuer amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, [shall be delivered to the Bond Insurer] and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Bond Insurer and the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 1103. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

- (a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such

jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution,

Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 1104. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly delivered by prepaid overnight delivery service or mailed by registered or certified mail, postage prepaid; or (b) communicated via electronic mail, with confirmation of delivery receipt, read receipt or otherwise. Copies of such notices shall also be given to the Paying Agent [and the Bond Insurer]. The Issuer, the Paying Agent, [the Bond Insurer] and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) delivery service or certified or registered mail as aforesaid shall be deemed duly given as of the date they are so provided to the delivery service or mailed, respectively; (b) electronic mail as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1105. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described in this Bond Resolution may be conducted, and documents related to the Bonds may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1106. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1107. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 1108. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1109. Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the Issuer on February 29, 2024.

(SEAL)

Mayor/CEO

ATTEST:

Interim Unified Government Clerk

Approved as to Form:

Unified Government Legal Department

EXHIBIT A
(FORM OF BONDS)

REGISTERED
NUMBER R-__

REGISTERED
\$

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation (“DTC”), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS
GENERAL OBLIGATION IMPROVEMENT BOND
(WYANDOTTE COUNTY PROJECTS)
SERIES 2024-B

Interest
Rate:

Maturity
Date:

Dated
Date: March 27, 2024

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, in the County of Wyandotte, State of Kansas (the “Issuer”), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to the Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on February 1 and August 1 of each year, commencing February 1, 2025 (the “Interest Payment Dates”), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the “Paying Agent” and “Bond Registrar”). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s)

for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated “General Obligation Improvement Bonds (Wyandotte County Projects), Series 2024-B,” aggregating the principal amount of \$[PRINCIPAL AMOUNT] (the “Bonds”) issued for the purposes set forth in the Resolution of the Issuer authorizing the issuance of the Bonds (the “Bond Resolution”). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, and K.S.A. 19-101a, all as amended and supplemented, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Bonds constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity, as set forth in the Bond Resolution.

Book-Entry System. The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository’s participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest, and any

redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual, electronic, or facsimile signature of its Mayor/CEO and attested by the manual, electronic, or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

[(Facsimile Seal)]

By: _____ (facsimile)
Mayor/CEO

ATTEST:

By: _____ (facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Improvement Bonds (Wyandotte County Projects), Series 2024-B, of the Unified Government of Wyandotte County/Kansas City, Kansas, described in the within-mentioned Bond Resolution.

Registration Date _____

Office of the State Treasurer,
Topeka, Kansas,
as Bond Registrar and Paying Agent

Registration Number _____

By _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

The undersigned, Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify that the within Bond has been duly registered in my office according to law as of March 27, 2024.

WITNESS my hand and official seal.

(Facsimile Seal)

By: _____ (facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

STEVEN JOHNSON, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in the office of the State Treasurer, and that this Bond was registered in such office according to law on _____, 2024.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)

[STATEMENT OF INSURANCE

_____, _____, _____ (“_____”), has delivered its municipal bond insurance policy (the “Policy”) with respect to the scheduled payments due of principal of and interest on this Bond to the Treasurer of the State of Kansas, Topeka, Kansas, or its successor, as paying agent for the Bonds (the "Paying Agent"). Said Policy is on file and available for inspection at the principal office of the Paying Agent and a copy thereof may be obtained from _____ or the Paying Agent. All payments required to be made under the Policy shall be made in accordance with the provisions thereof. The owner of this Bond acknowledges and consents to the subrogation rights of _____ as more fully set forth in the Policy.]



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Debbie Jonscher, Assistant Finance Director Alyse Villarreal, Fiscal Officer djonscher@wycokck.org, avillarreal@wycokck.org x5847, x5273	Finance
AGENDA ITEM #XIII.3.		
RESOLUTION: GENERAL OBLIGATION 2024-I TEMPORARY NOTES SALE		
SYNOPSIS		
BACKGROUND		
A resolution authorizing and directing the issuance, sale and delivery of Municipal Temporary Notes, Series 2024-I, presented by Deborah Jonscher, Interim Chief Financial Officer. <i>Sale of notes was approved at the Full Commission Meeting held 12/7/2023 Full Commission.</i>		
RECOMMENDATION		
Approve This is for the 2/29/2024 Full Commission. Recommended for approval.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
Issuances of debt will obligate the UG to make principal and interest payments for 1 year.		
IT/POLICY CONSIDERATIONS		
None		
PROCUREMENT CONSIDERATIONS		
None		
LEGAL CONSIDERATIONS		
General Obligation debt issuances obligate the UG to levy ad valorem taxes sufficient to cover the debt.		
ATTACHMENTS		
Note Resolution - GOTN 2024-I (UG)		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:

[BASIC DOCUMENTS - REGISTERED NOTES]

- A. Excerpt of Minutes of Meeting approving Note Resolution
 - B. Note Resolution
-

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
HELD ON FEBRUARY 29, 2024**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____

Absent: _____

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *
(Other Proceedings)

The acting Chief Financial Officer reported that pursuant to the Notice of Note Sale, bids for the purchase of Municipal Temporary Notes, Series 2024-I, of the Unified Government had been received. A tabulation of said bids is set forth as **EXHIBIT A** hereto.

The governing body reviewed and considered the bids and it was found and determined that the bid of [Name of Purchaser], [Purchaser City, State], was the best bid for the Notes, a copy of which is attached hereto as **EXHIBIT B**.

There was presented a Resolution entitled:

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF MUNICIPAL TEMPORARY NOTES, SERIES 2024-I, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____.

The Mayor/CEO declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-____-24 and was signed by the Mayor/CEO and attested by the Clerk.

* * * * *

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Unified Government Clerk

EXHIBIT A
BID TABULATION

EXHIBIT B

BID OF PURCHASER

RESOLUTION NO. R-__-24

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

ADOPTED

FEBRUARY 29, 2024

**MUNICIPAL TEMPORARY NOTES
SERIES 2024-I**

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RESOLUTION NO. R-__-24

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF MUNICIPAL TEMPORARY NOTES, SERIES 2024-I, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, pursuant to the provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Issuer has caused the following improvements (collectively the “Improvements”) to be made in the Unified Government, to-wit:

ACD	Project Name	Authorized Amount*
9410323	Annual Concrete Repair Program, 2023	\$2,000,000.00
9410823	Annual Neighborhood ADA Pedestrian Handicapped Ramps, 2023	800,000.00
9410923	Fairfax Infrastructure Improvements, 2023	100,000.00
9411123	Annual Pavement Preservation Program, 2023	4,400,000.00
9411223	Annual Alley Improvement Program, 2023	300,000.00
9420123	Annual Bridge Repair, 2023	300,000.00
9430123	Annual Priority Traffic Signal Replacements, 2023	800,000.00
9430124	Annual Priority Traffic Signal Replacements, 2024	800,000.00
9480223	Annual Facilities/Parking Annual Maintenance & Repair, 2023	700,000.00
9480224	Annual Facilities/Parking Annual Maintenance & Repair, 2024	200,000.00
9480323	Annual ADA Modifications-UG Facilities, 2023	200,000.00
9480324	Annual ADA Modifications-UG Facilities, 2024	200,000.00
9622141	Holiday Drive Bridge Replacements	1,300,000.00
9622170	Bridge #210 (18th St.) over Turkey Creek	150,000.00
9698085	Fire Station #20	6,300,000.00
9698212	Police CSI Lab	9,650,000.00
9698228	PDHQ Chiller	3,750,000.00
9430223	Fiber Connectivity Projects, 2023	430,000.00
9701059	Fairfax Trafficway	800,000.00
9701609	Hutton & Leavenworth Road Intersection	7,450,000.00
9714425	WyCo Lake Waterline Study & Repair	2,895,000.00
PRJ-010041	KCK Riverfront Park	2,400,000.00
PRJ-010043	KCKPD West Patrol Station	10,000,000.00
9636039	Relocation of Sewer Maintenance Facilities	21,375,000.00
9636047	Plant 20 Biosolids Dewatering	5,000,000.00

9636131	Pump Station 18, 5, 4 Upgrade	4,450,000.00
9636132	Plant 20 & 3 Equipment and Structural Rehab	3,000,000.00
9460523	Annual Sanitary Sewer System Capacity Upgrades, 2023	1,500,000.00
9460524	Annual Sanitary Sewer System Capacity Upgrades, 2024	1,600,000.00
9460722	Annual Wastewater System Renewal, 2022	8,000,000.00
9460723	Annual Wastewater System Renewal, 2023	8,000,000.00
9460822	Annual Overflow CSO Reduction Program, 2021-2022	8,000,000.00
9460823	Annual Overflow CSO Reduction Program, 2023	7,000,000.00
9460824	Annual Overflow CSO Reduction Program, 2024	5,000,000.00
9450223	Annual Stream Bank Stabilization Improvements, 2023	100,000.00
PRJ-010047	Turkey Creek Channel/Tunnel Repair	5,180,000.00
	Total Authorized Amount =	\$134,130,000.00

**Excludes Costs of Issuance and capitalized interest.*

; and

WHEREAS, the governing body of the Issuer is authorized by law to issue general obligation bonds to pay a portion of the costs of the Improvements; and

WHEREAS, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer pursuant to the Act; and

WHEREAS, all aspects of the Improvements will not be completed prior to the maturity date of the Refunded Notes and it is necessary for the Issuer to provide cash funds to meet its obligations on a portion of the Refunded Notes by the issuance of additional temporary notes of the Issuer; and

WHEREAS, the Issuer proposes to issue its temporary notes to pay a portion of the costs of the Improvements and to retire a portion of the Refunded Notes; and

WHEREAS, the governing body of the Issuer has advertised the sale of the Notes and hereby awards the sale of such Notes to the best bidder; and

WHEREAS, the governing body of the Issuer hereby finds and determines that it is necessary for the Issuer to authorize the issuance and delivery of the Notes in the principal amount of \$[PRINCIPAL AMOUNT] to pay a portion of the costs of the Improvements, refund the Refunded Notes and to pay certain costs of issuing the Notes.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Note Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, specifically including K.S.A. 10-123, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Notes includes any Owner of the Notes and any other Person who, directly or indirectly has the investment power with respect to any of the Notes.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk, Acting Clerk or Interim Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Notes, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, and all expenses incurred in connection with receiving ratings on the Notes.

“Dated Date” means March 27, 2024.

“Debt Service Account” means the Debt Service Account for Municipal Temporary Notes, Series 2024-I (within the Bond and Interest Fund) created pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments and interest payments on the Notes for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Note which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody’s or Standard & Poor’s that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Disclosure Undertaking” means the Continuing Disclosure Undertaking dated as of the Issue Date relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Notes shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Notes shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Notes or in this Note Resolution (other than the covenants relating to continuing disclosure requirements) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Notes then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created by or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for Municipal Temporary Notes, Series 2024-I created pursuant to *Section 501* hereof.

“Improvements” means the improvements referred to in the preamble to this Note Resolution and any Substitute Improvements.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Note Resolution.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Note which shall be October 1, 2024 and the Maturity of the Notes.

“Issue Date” means the date when the Issuer delivers the Notes to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Note means the date on which the principal of such Note becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Note Payment Date” means any date on which principal of or interest on any Note is payable.

“Note Register” means the books for the registration, transfer and exchange of Notes kept at the office of the Note Registrar.

“Note Registrar” means the Treasurer and its successors and assigns.

“Note Resolution” means this resolution relating to the Notes.

“Notes” means the Municipal Temporary Notes, Series 2024-I, authorized and issued by the Issuer pursuant to this Note Resolution.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Fax: (913) 573-5003
Attn: Clerk

(b) To the Paying Agent at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Fax: (913) 573-5003
Attn: Treasurer

(c) To the Purchaser:

[Name of Purchaser]

[Purchaser City, State] _____

(d) To the Rating Agency(ies):

Moody’s Municipal Rating Desk
7 World Trade Center
250 Greenwich Street
23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Note Registrar and Paying Agent, the Treasurer.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.

“Official Statement” means Issuer’s Official Statement relating to the Notes.

“Outstanding” means, when used with reference to the Notes, as of a particular date of determination, all Notes theretofore authenticated and delivered, except the following Notes:

- (a) Notes theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Notes deemed to be paid in accordance with the provisions of *Article VII* hereof; and
- (c) Notes in exchange for or in lieu of which other Notes have been authenticated and delivered hereunder.

“Owner” when used with respect to any Note means the Person in whose name such Note is registered on the Note Register. Whenever consent of the Owners is required pursuant to the terms of this Note Resolution, and the Owner of the Notes, as set forth on the Note Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Notes.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the Issuer; (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody’s or Standard & Poor’s; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions

thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Notes plus accrued interest to the date of delivery, plus a [net] premium of \$[_____], less an underwriting discount of \$[_____].

“Purchaser” means [Name of Purchaser], [Purchaser City, State], the original purchaser of the Notes, and any successors and assigns.

“Rating Agency” means any company, agency or entity that provides financial ratings for the Notes.

“Rebate Fund” means the Rebate Fund for Municipal Temporary Notes, Series 2024-I created pursuant to *Section 501* hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” when used with respect to any Note to be redeemed means the date fixed for the redemption of such Note pursuant to the terms of this Note Resolution.

“Redemption Price” when used with respect to any Note to be redeemed means the price at which such Note is to be redeemed pursuant to the terms of this Note Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Refunded Notes” means a portion of the Series 2023-I Notes maturing on April 1, 2024 in the aggregate principal amount of \$16,978,796.86.

“Refunded Notes Paying Agent” means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent of the Refunded Notes.

“Refunded Notes Redemption Date” means April 1, 2024.

“Refunded Notes Resolution” means the resolution which authorized the Refunded Notes.

“Replacement Notes” means Notes issued to the Beneficial Owners of the Notes in accordance with *Article II* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2023-I Notes” means the Unified Government’s Municipal Temporary Notes, Series 2023-I, dated March 16, 2023.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” or “S&P” means S&P Global Ratings, a division of S&P Global, Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Note or any installment of interest thereon means the date specified in such Note and this Note Resolution as the fixed date on which the principal of such Note or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

“Treasurer” means the duly appointed and/or elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE NOTES

Section 201. Authorization of the Notes. There shall be issued and hereby are authorized and directed to be issued the Municipal Temporary Notes, Series 2024-I, of the Issuer in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) retire the Refunded Notes; (c) pay interest on the Notes during construction of the Improvements; and (d) pay Costs of Issuance.

Section 202. Description of the Notes. The Notes shall consist of fully registered notes in Authorized Denominations, and shall be numbered in such manner as the Note Registrar shall determine. All of the Notes shall be dated as of the Dated Date, shall become due in the amounts on the Stated Maturity, subject to redemption and payment prior to the Stated Maturity as provided in *Article III* hereof and shall bear interest at the rates per annum as follows:

Stated Maturity	Principal	Annual Rate
<u>April 1</u>	<u>Amount</u>	<u>of Interest</u>
2025	\$(PRINCIPAL AMOUNT)	[]%

The Notes shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in *Section 204* hereof.

Each of the Notes, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as *EXHIBIT A* or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Note Registrar. The Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Note and Note Registrar with respect to the registration, transfer and exchange of Notes.

The Issuer will at all times maintain a Paying Agent and Note Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Note Registrar by (a) filing with the Paying Agent or Note Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Note Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Note Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Note Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Note Registrar.

Every Paying Agent or Note Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Notes. The principal of, or Redemption Price, if any, and interest on the Notes shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Note shall be paid at Maturity to the Person in whose name such Note is registered on the Note Register at the Maturity thereof, upon presentation and surrender of such Note at the principal office of the Paying Agent. The interest payable on each Note on any Interest Payment Date shall be paid to the Owner of such Note as shown on the Note Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Owner, not less than 15 days prior to the Record Date for such interest,

containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Note shall cease to be payable to the Owner of such Note on the relevant Record Date and shall be payable to the Owner in whose name such Note is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Note and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Owner of a Note entitled to such notice at the address of such Owner as it appears on the Note Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Notes and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Note Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Note Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Note Payment Date, and no interest shall accrue for the period after such Note Payment Date.

Section 206. Registration, Transfer and Exchange of Notes. The Issuer covenants that, as long as any of the Notes remain Outstanding, it will cause the Note Register to be kept at the office of the Note Registrar as herein provided. Each Note when issued shall be registered in the name of the Owner thereof on the Note Register.

Notes may be transferred and exchanged only on the Note Register as provided in this Section. Upon surrender of any Note at the principal office of the Note Registrar, the Note Registrar shall transfer or exchange such Note for a new Note or Notes in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Note that was presented for transfer or exchange.

Notes presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Note Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Notes is exercised, the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Note Resolution. The Issuer shall pay the fees and expenses of the Note Registrar for the registration, transfer and exchange of Notes provided for by this Note Resolution and the cost of printing a reasonable supply of registered note blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Note Registrar, are the responsibility of the Owners of the Notes. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge

against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Notes.

The Issuer and the Note Registrar shall not be required (a) to register the transfer or exchange of any Note that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to *Article III* hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Note during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this *Article II*.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Note is registered on the Note Register as the absolute Owner of such Note, whether such Note is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Note and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Note Registrar, the Note Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Notes then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Note Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Notes. Each of the Notes, including any Notes issued in exchange or as substitutions for the Notes initially delivered, shall be executed for and on behalf of the Issuer by the manual, electronic, or facsimile signature of the Mayor/CEO, attested by the manual, electronic, or facsimile signature of the Clerk and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Notes in the manner herein specified, and to cause the Notes to be registered in the office of the Clerk, which registration shall be evidenced by the manual, electronic, or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Notes shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual, electronic, or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. The Notes shall be countersigned by the manual, electronic, or facsimile signature of the Clerk and the seal of the Issuer shall be affixed or imprinted adjacent thereto following registration of the Notes by the Treasurer of the State of Kansas. In case any officer whose signature appears on any Notes ceases to be such officer before the delivery of such Notes, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Note may be signed by such persons who at the actual time of the execution of such Note are the proper officers to sign such Note although at the date of such Note such persons may not have been such officers.

The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Notes as herein specified, and when duly executed, to deliver the Notes to the Note Registrar for authentication.

The Notes shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as *EXHIBIT A* hereof, which shall be manually executed by an authorized officer or employee of the Note Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Notes that may be issued hereunder at any one time. No Note shall be entitled to any security or benefit under this Note Resolution or be valid or obligatory for any purpose

unless and until such certificate of authentication has been duly executed by the Note Registrar. Such executed certificate of authentication upon any Note shall be conclusive evidence that such Note has been duly authenticated and delivered under this Note Resolution. Upon authentication, the Note Registrar shall deliver the Notes to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Notes. If (a) any mutilated Note is surrendered to the Note Registrar or the Note Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Note, and (b) there is delivered to the Issuer and the Note Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Note Registrar that such Note has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Note Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Note, a new Note of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Note has become or is about to become due and payable, the Issuer, in its discretion, may pay such Note instead of issuing a new Note.

Upon the issuance of any new Note under this Section, the Issuer may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Note issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Note Resolution equally and ratably with all other Outstanding Notes.

Section 209. Cancellation and Destruction of Notes Upon Payment. All Notes that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Notes so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Notes; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Notes shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Notes, except in the event the Note Registrar issues Replacement Notes as provided in this Section. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Notes to the Participants until and unless the Note Registrar authenticates and delivers Replacement Notes to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes; or

(b) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes, then the Note Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver Replacement Notes to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Note Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Note. Upon the issuance of Replacement Notes, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the Issuer, the Note Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to Owners, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Notes. The cost of printing, registration, authentication, and delivery of Replacement Notes shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Note Registrar receives written evidence satisfactory to the Note Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Note Registrar upon its receipt of a Note or Notes for cancellation shall cause the delivery of Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

Section 211. Nonpresentment of Notes. If any Note is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Note have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Note shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Note, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Note Resolution or on, or with respect to, said Note. If any Note is not presented for payment within four (4) years following the date when such Note becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Note, and such Note shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the Mayor/CEO or chief financial officer of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the SEC Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor/CEO or chief financial officer of the Issuer are hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Purchaser in connection with the reoffering of the Notes is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Notes sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Notes. The sale of the Notes to the Purchaser is hereby approved and confirmed. The Mayor/CEO and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Notes shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Note Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF NOTES

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, the Notes will be subject to redemption and payment prior to maturity on October 1, 2024, and thereafter, as a whole or in part (selection of the amount of Notes to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

Section 302. Selection of Notes to be Redeemed. Notes shall be redeemed only in an Authorized Denomination. When less than all of the Notes are to be redeemed and paid prior to their Stated Maturity, such Notes shall be redeemed in such manner as the Issuer shall determine. Notes of less than a full Stated Maturity shall be selected by the Note Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Note Registrar may determine.

In the case of a partial redemption of Notes by lot when Notes of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption each minimum Authorized Denomination of face value shall be treated as though it were a separate Note of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Note is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner

or the Owner's duly authorized agent shall forthwith present and surrender such Note to the Note Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Note or Notes of the aggregate principal amount of the unredeemed portion of the principal amount of such Note. If the Owner of any such Note fails to present such Note to the Paying Agent for payment and exchange as aforesaid, such Note shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Notes for redemption prior to maturity, written notice of such intent shall be provided to the Note Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Note Registrar shall call Notes for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Note Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Notes to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in this **Section** are met.

Unless waived by any Owner of Notes to be redeemed, if the Issuer shall call any Notes for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Notes to the State Treasurer and the Note Registrar. In addition, the Issuer shall cause the Note Registrar to give written notice of redemption to the Owners of said Notes. Each of said written notices shall be deposited in the United States first class mail not less than 20 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Notes are to be redeemed, the identification (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Note or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Notes are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Notes or portions of Notes that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Notes, the Note Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify

or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Note (having been mailed notice from the Note Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Note so affected, shall not affect the validity of the redemption of such Note.

Official notice of redemption having been given as aforesaid, the Notes or portions of Notes to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Notes or portion of Notes shall cease to bear interest. Upon surrender of such Notes for redemption in accordance with such notice, the Redemption Price of such Notes shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Note, there shall be prepared for the Owner a new Note or Notes of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Notes that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Note Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Notes being redeemed; (2) the date of issue of the Notes as originally issued; (3) the rate of interest borne by each Note being redeemed; (4) the maturity date of each Note being redeemed; and (5) any other descriptive information needed to identify accurately the Notes being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Note Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Notes and to one or more national information services that disseminate notices of redemption of obligations such as the Notes.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Notes being redeemed shall bear or have enclosed the CUSIP number of the Notes being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Note.

ARTICLE IV

SECURITY FOR NOTES

Section 401. Security for the Notes. The Notes shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer,

excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes as the same become due.

Section 402. Levy and Collection of Annual Tax. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Notes as the same become due, if necessary, by levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer (excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated areas of the Unified Government) in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be deposited in the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Notes as and when the same become due, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Notes when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Notes, there shall be created within the Treasury of the Issuer the following funds and accounts:

- (a) Improvement Fund for Municipal Temporary Notes, Series 2024-I; and
- (b) Debt Service Account for Municipal Temporary Notes, Series 2024-I; and
- (c) Rebate Fund for Municipal Temporary Notes, Series 2024-I.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Note Resolution so long as the Notes are Outstanding.

Section 502. Deposit of Note Proceeds. The net proceeds received from the sale of the Notes shall be deposited simultaneously with the delivery of the Notes as follows:

- (a) All accrued interest (if any) received from the sale of the Notes shall be deposited in the Debt Service Account.
- (b) The remaining balance of the proceeds derived from the sale of the Notes shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with

the plans and specifications therefor approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the governing body of the Issuer; (b) retiring the Refunded Notes; (c) paying interest on the Notes during construction of the Improvements; (d) paying Costs of Issuance; and (e) transferring any amounts to the Rebate Fund required by this *Article V*.

Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Notes provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution authorizing the use of the proceeds of the Notes to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section, (3) the Attorney General of the State has approved the amendment made by such resolution to the transcript of proceedings for the Notes to include the Substitute Improvements; and (4) the use of the proceeds of the Notes to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Notes under State or federal law.

(b) The Issuer may reallocate expenditure of Note proceeds among all Improvements financed by the Notes; provided the following conditions are met: (1) the reallocation shall not cause the proceeds of the Notes allocated to any Improvement to exceed the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-65-23/Ordinance No. O-133-23 of the Issuer; and (2) the reallocation will not adversely affect the tax-exempt status of the Notes under State or federal law. If the Issuer desires to reallocate Note proceeds to Improvements in an amount in excess of the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-65-23/Ordinance No. O-133-23 of the Issuer, then the Issuer shall follow the procedures set forth in subparagraph (a) of this Section prior to such reallocation of Note proceeds.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Notes as and when the same become due and the usual and customary fees and expenses of the Note Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Notes and the fees and expenses of the Note Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent, if other than the Issuer, in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Note Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Notes are no longer entitled to enforce payment of the Notes or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Note Resolution and shall be held by the Paying Agent for the benefit of the Owners of the Notes entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the indebtedness for which the Notes were issued shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Notes shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) of the Code in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Notes and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Note Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Notes.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States which has a main or branch office located in the Issuer. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Note Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds may be credited to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Note Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Notes. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Notes at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Notes similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Note Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Notes.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Notes shall be for the equal benefit, protection, and security of the Owners of any or all of the Notes, all of which Notes shall be of equal rank and without preference or priority of one Note over any other Note in the application of the funds herein pledged to the payment of the principal of and the interest on the Notes, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Note Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Notes.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Note shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Notes by this Note Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Notes shall, subject to any determination in action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Notes, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Note Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Notes or scheduled interest payments thereon so paid and discharged. Notes, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Note Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or

prior to the Stated Maturity or Redemption Date of said Notes or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Notes and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Notes, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Notes, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Note Registrar to give such notice of redemption in compliance with *Article III*. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Notes, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Notes, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Note Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that: it will comply with (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor/CEO, chief financial officer and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Notes will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Notes pursuant to *Article VII* hereof or any other provision of this Note Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Mayor/CEO and Clerk are hereby authorized and directed to execute the Disclosure Undertaking in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, the provisions of which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the

Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Notes, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Note Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Notes or of this Note Resolution, may be amended or modified at any time in any respect by resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Notes then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Note;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Note;
- (c) permit preference or priority of any Note over any other Note; or
- (d) reduce the percentage in principal amount of Notes required for the written consent to any modification or alteration of the provisions of this Note Resolution.

Any provision of the Notes or of this Note Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Notes at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Note Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Notes among Improvements, to provide for Substitute Improvements, to conform this Note

Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Notes or of this Note Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the Issuer amending or supplementing the provisions of this Note Resolution and shall be deemed to be a part of this Note Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Note Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Note or a prospective purchaser or owner of any Note authorized by this Note Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Note Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Notes then Outstanding. It shall not be necessary to note on any of the Outstanding Notes any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Notes or this Note Resolution which affects the duties or obligations of the Paying Agent under this Note Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Notes, if made in the following manner, shall be sufficient for any of the purposes of this Note Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Notes, the amount or amounts, numbers and other identification of Notes, and the date of holding the same shall be proved by the Note Register.

In determining whether the Owners of the requisite principal amount of Notes Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Note Resolution, Notes owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Note Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Notes which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Notes so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Notes and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Note Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic

confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The transactions described in this Note Resolution may be conducted, and documents related to the Notes may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Note Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Note Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Note Resolution.

Section 1008. Governing Law. This Note Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Note Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the Issuer on February 29, 2024.

(SEAL)

Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Office of Chief Counsel

**EXHIBIT A
(FORM OF NOTES)**

**REGISTERED
NUMBER R-1**

**REGISTERED
\$**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation (“DTC”), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY
MUNICIPAL TEMPORARY NOTE
SERIES 2024-I**

Interest	Maturity	Dated	CUSIP:
Rate: _____%	Date: April 1, 2025	Date: March 27, 2024	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, in the County of Wyandotte, State of Kansas (the “Issuer”), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to said Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable on October 1, 2024 (the “Interest Payment Date”), and at maturity or earlier redemption until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Note shall be paid at maturity or upon earlier redemption to the person in whose name this Note is registered at the maturity or redemption date thereof, upon presentation and surrender of this Note at the principal office of the Treasurer of the Unified Government, Kansas City, Kansas (the “Paying Agent” and “Note Registrar”). The interest

payable on this Note on any Interest Payment Date shall be paid to the person in whose name this Note is registered on the registration books maintained by the Note Registrar at the close of business on the Record Date(s) for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Notes shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Note Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Note Resolution.

Authorization of Notes. This Note is one of an authorized series of Notes of the Issuer designated “Municipal Temporary Notes, Series 2024-I,” aggregating the principal amount of \$[PRINCIPAL AMOUNT] (the “Notes”) issued for the purposes set forth in the Resolution of the Issuer authorizing the issuance of the Notes (the “Note Resolution”). The Notes are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 *et seq.*, specifically including K.S.A. 10-123, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Notes constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are pledged for the payment of the principal of and interest on this Note and the issue of which it is a part as the same respectively become due.

Redemption Prior to Maturity. The Notes are subject to redemption prior to maturity, as set forth in the Note Resolution.

Book-Entry System. The Notes are being issued by means of a book-entry system with no physical distribution of note certificates to be made except as provided in the Note Resolution. One Note certificate with respect to each date on which the Notes are stated to mature or with respect to each form of Notes, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Notes by the Securities Depository’s participants, beneficial ownership of the Notes in Authorized Denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Note Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Note, as the owner of this Note for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Note, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal,

interest and any redemption premium payments to beneficial owners of the Notes by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Note Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Note, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Note shall be made in accordance with existing arrangements among the Issuer, the Note Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE NOTE RESOLUTION, THIS GLOBAL NOTE MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Note may be transferred or exchanged, as provided in the Note Resolution, only on the Note Register kept for that purpose at the principal office of the Note Registrar, upon surrender of this Note together with a written instrument of transfer or authorization for exchange satisfactory to the Note Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Note or Notes in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Note Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Notes and the cost of a reasonable supply of note blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Note is registered on the Note Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Notes are issued in fully registered form in Authorized Denominations.

Authentication. This Note shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Note Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Note Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Note have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of notes, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Note to be executed by the manual, electronic, or facsimile signature of its Mayor/CEO and attested by the manual, electronic, or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

[(Facsimile Seal)]

By: (manual, electronic, or facsimile)
Mayor/CEO

ATTEST:

By: (manual, electronic, or facsimile)
Clerk

This Municipal Temporary Note shall not be negotiable unless and until countersigned below following registration by the Treasurer of the State of Kansas.

(Facsimile Seal)

(manual, electronic, or facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of a series of Municipal Temporary Notes, Series 2024-I, of the Unified Government of Wyandotte County/Kansas City, Kansas, described in the within-mentioned Note Resolution.

Registration Date: _____

Office of the Treasurer of the Unified
Government of Wyandotte County/Kansas City,
Kansas, Kansas City, Kansas, as Note Registrar
and Paying Agent

Registration Number: _____

By: _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

The undersigned, Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify that the within Note has been duly registered in my office according to law as of March 27, 2024.

WITNESS my hand and official seal.

(Facsimile Seal)

(facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

STEVEN JOHNSON, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Note has been filed in the office of the State Treasurer, and that this Note was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

NOTE ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Note to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Note Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Note on the books of said Note Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Notes:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jeff Fisher, Exec. Dir. of Public Works jfisher@wycokck.org x5415	Public Works
AGENDA ITEM #XIII.4.		
ORDINANCE: PROCTER & GAMBLE TRAILHEAD		
SYNOPSIS		
An ordinance condemning real property and/or real property rights for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the Levee Trail Armourdale Improvements Project (Project No. 105 N-0779-01) in Kansas City, Wyandotte County, Kansas, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.		
BACKGROUND		
An ordinance condemning real property and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land for the Levee Trail Armourdale Improvements Project (Project No. 105 N-0779-01), submitted by Jeff Fisher, Executive Director of Public Works.		
RECOMMENDATION		
Approve Fast Track		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
February 29, 2024		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Procter Gamble Trailhead Eminent Domain Ordinance, Eminent Domain Ordinance P&G Trailhead 2.8.24, P&G - UGMaps Aerial, Procter & Gamble - Right of Way Acquisition Plan		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator Dated:

Commission Agenda Item Report

Title: Ordinance: Levee Trail Armourdale Procter & Gamble Trailhead

Proposed Agenda Date: February 29, 2024 Full Commission Meeting

Presented by: Dave Clark or other representative of the PW or Legal Departments

BACKGROUND:

- This agenda item is a request for the Board of Commissioners to direct its Chief Counsel to commence proceedings for the acquisition of the real property and/or real property rights described in Exhibit A of the attached Ordinance and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the Armourdale Procter & Gamble (Project No. 105 N-0779-01) in Kansas City, Wyandotte County, Kansas. The Board of Commissioners approved the Eminent Domain Resolution for this project on February 8, 2024.
- The project includes a trail head at Kansas Avenue near the Procter & Gamble Plant and bicycle/pedestrian amenities. This project is a component of the larger 17-mile UG Levee Trails network that is being implemented on the Kansas River levees. A location map is attached for reference.
- Eighty percent of the construction and inspection costs for the project up to a maximum amount of \$800,000 will be paid by KDOT from federal funds issued through the Congestion Mitigation and Air Quality Improvement (CMAQ) Program, which was awarded to the UG by the Mid-America Regional Council.
- Although design of the project will be administered by the UG as well as any necessary easement and/or right of way acquisition, construction of this project will be administered by KDOT due to the requirements of the CMAQ grant. It will therefore be bid and constructed as a separate project and not together with any of the other levee trails improvements. Upon completion of construction, however, it will be an integral component of the larger 17-mile UG Levee Trails network.
- Also as a requirement of the CMAQ grant, this project must be bid in Federal Fiscal Year 2024. Prompt consideration of this resolution, therefore, is vital to the project schedule.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- No impact. No additional funding is being requested.

POLICY CONSIDERATIONS:

- N/A

PROCUREMENT CONSIDERATIONS:

- N/A

LEGAL CONSIDERATIONS:

- Legal has reviewed and approved the ordinance to be considered by the Full Commission for authorization.

RECOMMENDED ACTION:

- An ordinance condemning real property and/or real property rights for the for the for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the Armourdale Procter & Gamble (Project No. 105 N-0779-01) in Kansas City, Wyandotte County, Kansas, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

COUNTY ADMINISTRATION COMMENTS:

-

MAYOR AGENDA DIRECTION:

First Published: _____

ORDINANCE NO. _____

AN ORDINANCE condemning real property and/or real property rights for the for the for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the Levee Trail Armourdale Improvements Project (Project No. 105 N-0779-01) in Kansas City, Wyandotte County, Kansas, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

**BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

1. The following described real property and/or real property rights are hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the Levee Trail Armourdale Improvements Project (Project No. 105 N-0779-01) in Kansas City, Wyandotte County, Kansas, to-wit:

See Exhibits A, B and C, which are attached hereto and incorporated herein by reference;

2. It is hereby found that the costs of this project will be paid by Unified Government of Wyandotte County/Kansas City, Kansas and the Kansas Department of Transportation.
3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the real property and/or real property rights described above and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
4. This ordinance shall take effect and be in force after its passage, approval and publication.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____DAY OF _____2024.

Tyrone Garner
Mayor/CEO

Attest:

Brett A. Deichler
Unified Government Clerk

Approved as to form:

Angela Lawson
Interim Chief Counsel

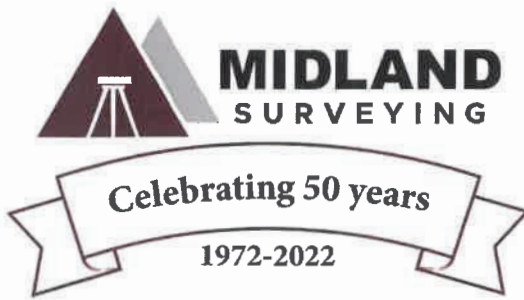


Exhibit A

land surveyors / planners

KDOT Project No.: 105 N-0779-01
Proposed Fee Simple Interest
Parcel ID: None Available
Owner: Kansas City Terminal Railway

Proposed Fee Simple Interest

All of that part of the Kansas City Terminal Railway property lying in the Northeast Quarter of Section 20, Township 11 South, Range 25 East, of the Sixth Principal Meridian in the City of Kansas City, Wyandotte County, Kansas, described by Troy L. Hayes, PLS-1078, on this 2nd Day of January, 2024 as follows:

Commencing at a concrete nail set in a chiseled X in concrete marking the Northeast Corner of Section 20 and is described in land Survey Reference Report No. 244837 as filed by PLS-1078 and dated July 16, 2019; thence South 00°46'51" West (this and all the following bearings are based on the Kansas State Plane Coordinate System 1983 (HARN), North Zone) along the East line of the Northeast Quarter of said Section 20 a distance of 190.96 feet (all distance referenced are in U.S. Survey Feet); thence departing said line North 89°05'54" West 1624.86 feet to the **POINT OF BEGINNING**, said point being at the intersection of the South right-of-way line of Kansas Avenue and the Northeasterly right-of-way line of the Kansas City Terminal Railway Company; thence with said Northeasterly right-of-way line the following courses and distances, 43.12 feet by arc distance along a curve to the right having a radius of 688.18 feet and a chord that bears South 44°53' 04" East along a chord of 43.11 feet; Thence 59.10 feet by arc distance along a curve to the right having a radius of 1,856.96 feet and a chord that bears South 43°54' 47" East along a chord of 59.10 feet; Thence 4.08 feet by arc distance along a curve to the right having a radius of 1,042.49 feet and a chord that bears South 44°41' 57" East along a chord of 4.08 feet; thence departing said right-of-way line, South 44°46'06" West 38.78 feet to the Southwesterly right-of-way line of the Kansas City Terminal Railway Company; thence with said line the following courses and distances: North 39°53'02" West 46.14 feet; thence North 26°06'23" West 75.38 feet; thence North 86°42'29" West 25.00 feet; thence North 39°52'25" West 24.58 feet; thence departing said right-of-way line, North 48°19'53" East 24.54 feet to the Northeasterly right-of-way line of the Kansas City Terminal Railway Company; thence with said line South 46°33'18" East 52.59 feet to the **Point of Beginning**.

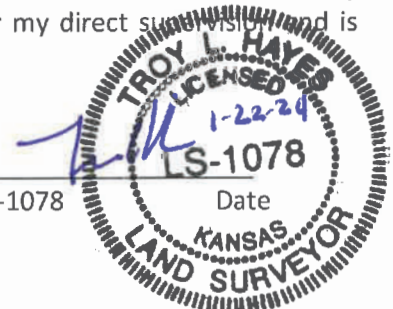
The above description was created with the benefit of a ground survey performed November 27, 2023 and contains 4,364 square feet or 0.10 acres, more or less.

State of Kansas

I, Troy L. Hayes, being a duly registered and licensed Professional Surveyor in the State of Kansas, hereby certify that this real property description was prepared by me or under my direct supervision and is correct to the best of my belief and ability.


County Surveyor 1-29-24

Troy L. Hayes, PLS-1078



Sheet 1 of 2

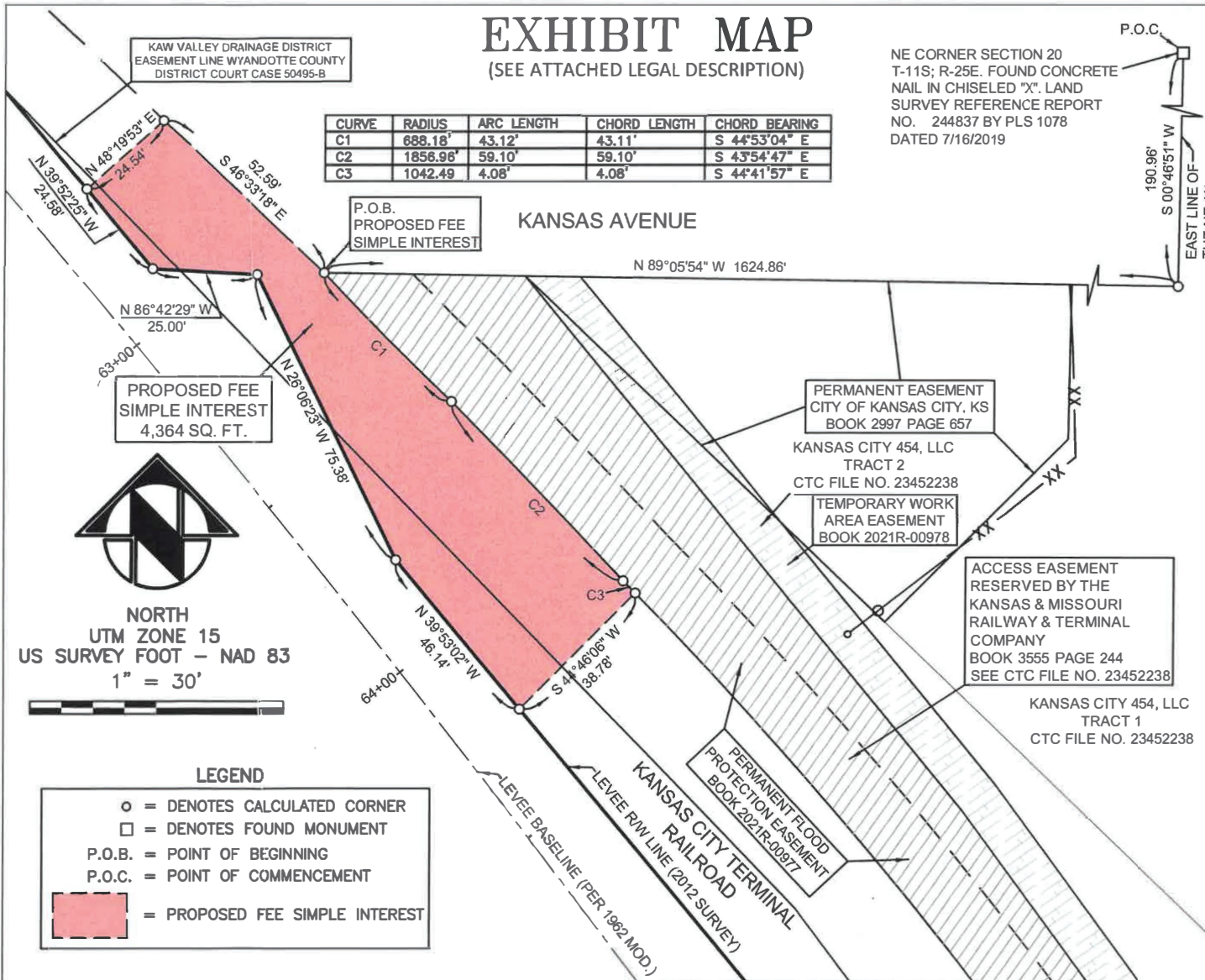
Exhibit A

EXHIBIT MAP

(SEE ATTACHED LEGAL DESCRIPTION)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	688.18'	43.12'	43.11'	S 44°53'04" E
C2	1856.96'	59.10'	59.10'	S 43°54'47" E
C3	1042.49'	4.08'	4.08'	S 44°41'57" E

NE CORNER SECTION 20
T-11S; R-25E. FOUND CONCRETE
NAIL IN CHISELED "X". LAND
SURVEY REFERENCE REPORT
NO. 244837 BY PLS 1078
DATED 7/16/2019



Certification:

This is to certify that the exhibit shown hereon was made by me, or under my direct supervision, this 16th day of January, 2024, that the results are correctly shown and said survey meets or exceeds current Kansas Minimum Standards for a Plat or Certificate of Survey, to the best of my knowledge and belief.

Troy L. Hayes - PLS #1078

Date

NOTE: This Exhibit does not Constitute a Legal Boundary Survey. Depending upon the property rights transferred a Legal Boundary Survey may be required in the future.

APPROVED BY:

Brent E. Thompson - KS. PLS #1277
Wyandotte County Surveyor

Date

SHEET 2 OF 2



LAND SURVEYORS - PLANNERS
501 North Market, Maryville, MO 64468
ph. (660) 582-8633 fax (660) 582-7173
4784 Frederick Blvd, St. Joseph, MO 64506
ph. (816) 233-7900 fax (816) 233-4852

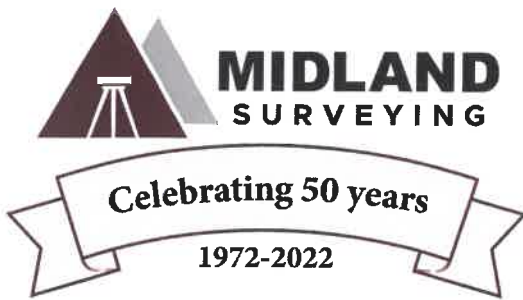


Exhibit B

land surveyors / planners

KDOT Project No.: 105 N-0779-01
Proposed Road and Sidewalk Easement 1
Parcel ID: 909001
Owner: Kansas City 454, LLC

Proposed Road and Sidewalk Easement 1

All of that part of the Northeast Quarter of Section 20, Township 11 South, Range 25 East, of the Sixth Principal Meridian in the City of Kansas City, Wyandotte County, Kansas, described by Troy L. Hayes, PLS-1078, on this 2nd Day of January, 2024 as follows:

Commencing at a concrete nail set in a chiseled X in concrete marking the Northeast Corner of Section 20 and is described in land Survey Reference Report No. 244837 as filed by PLS-1078 and dated July 16, 2019; thence South 00°46'51" West (this and all the following bearings are based on the Kansas State Plane Coordinate System 1983 (HARN), North Zone) along the East line of the Northeast Quarter of said Section 20 a distance of 190.96 feet (all distance referenced are in U.S. Survey Feet); thence departing said line North 89°05'54" West 1577.03 feet to the **POINT OF BEGINNING**, said point being on the South right-of-way line of Kansas Avenue; thence with said line, South 46°15' 08" East 116.23 feet; Thence departing said line, South 51°26' 36" West 13.77 feet; thence North 39°26'57" West 106.45 feet; thence South 44°55'26" West 32.52 feet; to the Northeasterly right-of-way line of the Kansas City Terminal Railway Company; thence with said line the; 43.12 feet by arc distance along a curve to the left having a radius of 688.18 feet and a chord that bears North 44°53'04" West along a chord of 43.11 feet to the South right-of-way line of Kansas Avenue; thence with said line, South 89°05'54" East 47.83 feet; to the **Point of Beginning**.

The above description was created with the benefit of a ground survey performed November 27, 2023 and contains 1,666 square feet or 0.04 acres, more or less.

State of Kansas

I, Troy L. Hayes, being a duly registered and licensed Professional Surveyor in the State of Kansas, hereby certify that this real property description was prepared by me or under my direct supervision and is correct to the best of my belief and ability.

[Signature] 1-29-24
County Surveyor

[Signature]
Troy L. Hayes, PLS-1078
KANSAS LAND SURVEYOR
Date: 1-22-24
LS-1078
TROY L. HAYES
LICENSED

Sheet 1 of 2

EASEMENT EXHIBIT
(SEE ATTACHED LEGAL DESCRIPTION)

KAW VALLEY DRAINAGE DISTRICT
EASEMENT LINE WYANDOTTE COUNTY
DISTRICT COURT CASE 50495-B

NE CORNER SECTION 20
T-11S; R-25E. FOUND CONCRETE
NAIL IN CHISELED "X". LAND
SURVEY REFERENCE REPORT
NO. 244837 BY PLS 1078
DATED 7/16/2019

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	688.18'	43.12'	43.11'	N 44°53'04" W

P.O.B.
PROPOSED ROAD
& SIDEWALK
EASEMENT 1

KANSAS AVENUE

PROPOSED ROAD
& SIDEWALK
EASEMENT 1
1,666 SQ. FT.

PERMANENT EASEMENT
CITY OF KANSAS CITY, KS
BOOK 2997 PAGE 657

KANSAS CITY 454, LLC
TRACT 2
CTC FILE NO. 23452238

KANSAS CITY 454, LLC
TRACT 1
CTC FILE NO. 23452238

TEMPORARY WORK
AREA EASEMENT
BOOK 2021R-00978

PERMANENT FLOOD
PROTECTION EASEMENT
BOOK 2021R-00977

KANSAS CITY TERMINAL RAILROAD
LEVEE RW LINE (2012 SURVEY)
LEVEE BASELINE (PER 1962 MOD.)

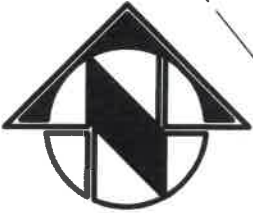
ACCESS EASEMENT
RESERVED BY THE
KANSAS & MISSOURI
RAILWAY & TERMINAL
COMPANY
BOOK 3555 PAGE 244
SEE CTC FILE NO. 23452238

P.O.C.
190.96'
S 00°46'51" W
EAST LINE OF
THE NE 1/4

Certification:
This is to certify that the exhibit shown hereon
was made by me, or under my direct supervision,
this 16th day of January, 2024, that the results
are correctly shown and said survey meets or
exceeds current Kansas Minimum Standards for
a Plat or Certificate of Survey, to the best of my
knowledge and belief.

Troy L. Hayes
LICENSED
LS-1078
KANSAS
LAND SURVEYOR
Date

APPROVED BY:
Brent E. Thompson - RS. PLS #1277
Wyandotte County Surveyor
Date



NORTH
UTM ZONE 15
US SURVEY FOOT - NAD 83
1" = 30'



LEGEND

- = DENOTES CALCULATED CORNER
- = DENOTES FOUND MONUMENT
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- [Green shaded area] = PROPOSED ROAD & SIDEWALK EASEMENT 1



**MIDLAND
SURVEYING**

Midland Surveying, Inc.
Kansas Certificate of Authorization No. 176

LAND SURVEYORS - PLANNERS

501 North Market, Maryville, MO 64468
ph. (660) 582-8633 fax (660) 582-7173

4784 Frederick Blvd, St. Joseph, MO 64506
ph. (816) 233-7900 fax (816) 233-4852

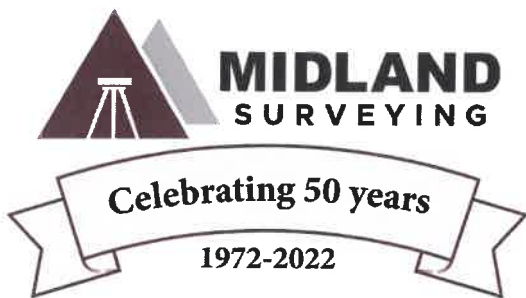


Exhibit C

land surveyors / planners

KDOT Project No.: 105 N-0779-01
Proposed Road and Sidewalk Easement 2
Parcel ID: 909001
Owner: Kansas City 454, LLC

Proposed Road and Sidewalk Easement 2

All of that part of the Northeast Quarter of Section 20, Township 11 South, Range 25 East, of the Sixth Principal Meridian in the City of Kansas City, Wyandotte County, Kansas, described by Troy L. Hayes, PLS-1078, on this 2nd Day of January, 2024 as follows:

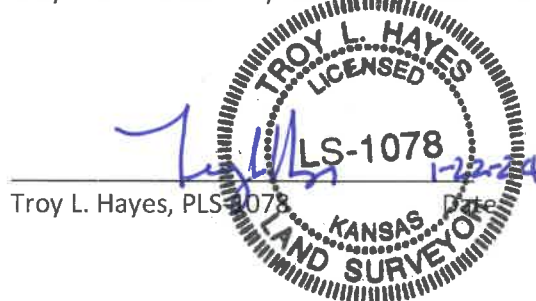
Commencing at a concrete nail set in a chiseled X in concrete marking the Northeast Corner of Section 20 and is described in land Survey Reference Report No. 244837 as filed by PLS-1078 and dated July 16, 2019; thence South $00^{\circ}46'51''$ West (this and all the following bearings are based on the Kansas State Plane Coordinate System 1983 (HARN), North Zone) along the East line of the Northeast Quarter of said Section 20 a distance of 190.96 feet (all distance referenced are in U.S. Survey Feet); thence departing said line North $89^{\circ}05'54''$ West 1447.41 feet, said point being on the South right-of-way line of Kansas Avenue; thence with said line, South $00^{\circ}54'20''$ West 2.03 feet to the **POINT OF BEGINNING**; Thence departing said line and running with an existing fence, South $01^{\circ}52'48''$ East 38.96 feet; thence continuing with said fence South $52^{\circ}01'56''$ West 34.92 feet to the South right-of-way line of Kansas Avenue; thence with said line the following courses and distances, North $44^{\circ}54'23''$ East 36.41; thence North $00^{\circ}54'20''$ East 34.64 feet; to the **Point of Beginning**.

The above description was created with the benefit of a ground survey performed November 27, 2023 and contains 112 square feet or 0.003 acres, more or less.

State of Kansas

I, Troy L. Hayes, being a duly registered and licensed Professional Surveyor in the State of Kansas, hereby certify that this real property description was prepared by me or under my direct supervision and is correct to the best of my belief and ability.

B. E. S. 1-29-24
County Surveyor



Sheet 1 of 2

EASEMENT EXHIBIT

(SEE ATTACHED LEGAL DESCRIPTION)

NE CORNER SECTION 20
T-11S; R-25E. FOUND CONCRETE
NAIL IN CHISELED "X". LAND
SURVEY REFERENCE REPORT
NO. 244837 BY PLS 1078
DATED 7/16/2019

KAW VALLEY DRAINAGE DISTRICT
EASEMENT LINE WYANDOTTE COUNTY
DISTRICT COURT CASE 50495-B

KANSAS AVENUE

N 89°05'54" W 1624.86'

KANSAS CITY 454, LLC
TRACT 2
CTC FILE NO. 23452238

PERMANENT EASEMENT
CITY OF KANSAS CITY, KS
BOOK 2997 PAGE 657

P.O.B.
PROPOSED ROAD
& SIDEWALK
EASEMENT 2

PROPOSED ROAD
& SIDEWALK
EASEMENT 2
112 SQ. FT.

ACCESS EASEMENT
RESERVED BY THE
KANSAS & MISSOURI
RAILWAY & TERMINAL
COMPANY
BOOK 3555 PAGE 244
SEE CTC FILE NO. 23452238

TEMPORARY WORK
AREA EASEMENT
BOOK 2021R-00978

PERMANENT FLOOD
PROTECTION EASEMENT
BOOK 2021R-00977

KANSAS CITY TERMINAL RAILROAD
LEVEE BASELINE (PER 1962 MOD.)
LEVEE RW LINE (2012 SURVEY)

P.O.C.
190.96'
S 00°46'51" W
EAST LINE OF
THE NE 1/4

Certification:
This is to certify that the exhibit shown hereon
was made by me, or under my direct supervision,
this 16th day of January, 2024, that the results
are correctly shown and said survey meets or
exceeds current Kansas Minimum Standards for
a Plat or Certificate of Survey, to the best of my
knowledge and belief.

Troy L. Hayes - PLS #1078
Date
TROY L. HAYES
LICENSED
LS-1078
JAN-24
KANSAS
LAND SURVEYOR

APPROVED BY:
Brent E. Thompson
Brent E. Thompson - KS. PLS #1277
Wyandotte County Surveyor
1-29-24
Date


NORTH
UTM ZONE 15
US SURVEY FOOT - NAD 83
1" = 30'

LEGEND

- = DENOTES CALCULATED CORNER
- = DENOTES FOUND MONUMENT
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
-  = PROPOSED ROAD & SIDEWALK EASEMENT 2

**MIDLAND**
SURVEYING

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ph. (816) 233-7900 fax (816) 233-4852



PROCTER & GAMBLE

PROCTER & GAMBLE
MANUFACTURING CO.
CTC FILE NO. 23452237

LIMITS OF CONSTRUCTION AT FENCE/PROPERTY LINE
NO CONSTRUCTION EASEMENT REQUIRED

KANSAS AVENUE

APPARENT
RAILROAD R.O.W.

EXISTING LEVEE
R.O.W.

PROPOSED ROAD AND SIDEWALK R.O.W. AREA
AREA: 1653 SF, 0.038 AC

LEGEND

- PROPOSED FEE SIMPLE INTEREST AREA
(TO BE ACQUIRED FROM RAILROAD)
- PROPOSED ROAD AND SIDEWALK R.O.W. AREA
(TO BE ACQUIRED FROM UHAUL)
- GRADING LIMITS

LIMITS OF CONSTRUCTION AT FENCE /
ADJUSTED PROPERTY LINE

PROPOSED ROAD AND SIDEWALK R.O.W. AREA
AREA: 112 SF, 0.003 AC

PERMANENT EASEMENT CITY OF KANSAS CITY, KS
BOOK 2997 PAGE 657

PROPOSED FEE SIMPLE INTEREST AREA
AREA: 4359 SF, 0.100 AC

KANSAS CITY 454, LLC
TRACT 1
CTC FILE NO. 23452238

KANSAS CITY 454, LLC
TRACT 2
CTC FILE NO. 23452238

ACCESS EASEMENT
RESERVED BY THE
KANSAS & MISSOURI
RAILWAY & TERMINAL
COMPANY

APPROX. NEW
REDBOARD LOCATION;
CONTRACTOR TO
FIELD VERIFY

PERMANENT FLOOD PROTECTION
EASEMENT; BOOK 2021 R PAGE 00977;
SEE CTC FILE NO. 23452238

U-HAUL

EXISTING LEVEE
R.O.W.

KC TERMINAL
RAILROAD

EXISTING KANSAS CITY 454
LLC (UHAUL) PROPERTY LINE



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jeff Fisher, Exec. Dir. of Public Works jfisher@wycokck.org x5415	Public Works
AGENDA ITEM #XIII.5.		
ORDINANCE: JAMES STREET TRAILHEAD		
SYNOPSIS		
An ordinance condemning real property and/or real property rights for the for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the North James Street Trailhead (Project No. 105 N-0781-01) in Kansas City, Wyandotte County, Kansas, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.		
BACKGROUND		
An ordinance condemning real property and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land for the North James Street Trailhead (Project No. 105 N-0781-01), submitted by Jeff Fisher, Executive Director of Public Works.		
RECOMMENDATION		
Approve Fast Track		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
2/29/2024		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
James St. Trailhead Eminent Domain Ordinance, Eminent Domain Ordinance James Street Trailhead 2.8.24, James St. Trailhead - Project Location Map, James St. Trailhead - Acquisition Map		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator Dated:

Commission Agenda Item Report

Title: Ordinance: Levee Trail Central Industrial District N. James Street Trailhead

Proposed Agenda Date: February 29, 2024 Full Commission Meeting

Presented by: Dave Clark or other representative of the PW or Legal Departments

BACKGROUND:

- This agenda item is a request for the Board of Commissioners to direct its Chief Counsel to commence proceedings for the acquisition of the real property and/or real property rights described in Exhibit A of the attached Ordinance and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the North James Street Trailhead (Project No. 105 N-0781-01) in Kansas City, Wyandotte County, Kansas. The Board of Commissioners approved the Eminent Domain Resolution for this project on February 8, 2024.
- The project includes a trailhead at the south end of the N. James St. bridge at the KC levee access point and bicycle/pedestrian amenities. This project is a component of the larger 17-mile UG Levee Trails network that is being implemented on the Kansas River levees. A location map is attached for reference.
- Eighty percent of the construction and inspection costs for the project up to a maximum amount of \$500,000 will be paid by KDOT from federal funds issued through the Transportation Alternatives Set-Aside (TA) Program, which was awarded to the UG by the Mid-America Regional Council.
- Although design of the project will be administered by the UG as well as any necessary easement and/or right of way acquisition, construction of this project will be administered by KDOT due to the requirements of the TA grant. It will therefore be bid and constructed as a separate project and not together with any of the other levee trails improvements. Upon completion of construction, however, it will be an integral component of the larger 17-mile UG Levee Trails network.
- Also as a requirement of the TA grant, this project must be bid in Federal Fiscal Year 2024. Prompt consideration of this resolution, therefore, is vital to the project schedule.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- No impact. No additional funding is being requested.

POLICY CONSIDERATIONS:

- N/A

PROCUREMENT CONSIDERATIONS:

- N/A

LEGAL CONSIDERATIONS:

- Legal has reviewed and approved the ordinance to be considered by the Full Commission for authorization.

RECOMMENDED ACTION:

- An ordinance condemning real property and/or real property rights for the for the for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the North James Street Trailhead (Project No. 105 N-0781-01) in Kansas City, Wyandotte County, Kansas, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

COUNTY ADMINISTRATION COMMENTS:

-

MAYOR AGENDA DIRECTION:

First Published: _____

ORDINANCE NO. _____

AN ORDINANCE condemning real property and/or real property rights for the for the for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the North James Street Trailhead (Project No. 105 N-0781-01) in Kansas City, Wyandotte County, Kansas, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

**BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

1. The following described real property and/or real property rights are hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the North James Street Trailhead (Project No. 105 N-0781-01) in Kansas City, Wyandotte County, Kansas, to-wit:

See Exhibit "A", which is attached hereto and incorporated herein by reference;

2. It is hereby found that the costs of this project will be paid by Unified Government of Wyandotte County/Kansas City, Kansas and the Kansas Department of Transportation.
3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the real property and/or real property rights described above and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
4. This ordinance shall take effect and be in force after its passage, approval and publication.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____DAY OF _____2024.

Tyrone Garner
Mayor/CEO

Attest:

Brett A. Deichler
Unified Government Clerk

Approved as to form:

Angela Lawson
Interim Chief Counsel

EXHIBIT A
Real Property and Real Property Interests to be Acquired:

Project Tract A

Parcel Address: 347 N. James Street

Wyandotte County Parcel I.D. R49026

Fee Simple Owner: Butler Transport Terminal Co., LC

Fee Simple: ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 25 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY MARTIN MUELLER, KS LS 1344, MCLAUGHLIN MUELLER, INC., NOVEMBER 7, 2023, TO WIT:

COMMENCING AT THE NORTHWEST CORNER OF LOT 8, BIGGER'S ADDITION, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET; THENCE N30°37'53"W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET, A DISTANCE OF 536.43 FEET TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE N60°13'42"W, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 142.49 FEET TO THE POINT OF BEGINNING ON THE WEST RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD COMPANY; THENCE N60°13'42"W, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 80.81 FEET TO THE UNITED STATES HARBOR LINE; THENCE N29°17'23"E, ALONG SAID UNITED STATES HARBOR LINE, A DISTANCE OF 105.46 FEET TO THE NORTH LINE OF LOT 16, AS ESTABLISHED BY THE REPORT OF COMMISSIONERS IN PARTITION SUIT NO. 911, THOMAS EWING, JR., ET AL., VS. WM. WEER, ET. AL., IN THE FIRST JUDICIAL DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS; THENCE N59°22'07"E, ALONG SAID NORTH LINE, A DISTANCE OF 13.25 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD COMPANY AT A POINT OF NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF S01°33'04"W, A RADIUS OF 586.19 FEET AND A CENTRAL ANGLE OF 5°41'16"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 58.19 FEET; THENCE S04°08'11"E, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 80.91 FEET TO THE POINT OF BEGINNING. CONTAINING 4932 SQUARE FEET, MORE OR LESS.

AND

Permanent Road Right of Way Easement: ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 25 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY MARTIN MUELLER, KS LS 1344, MCLAUGHLIN MUELLER, INC., NOVEMBER 9, 2023, TO WIT:

COMMENCING AT THE NORTHWEST CORNER OF LOT 8, BIGGER'S ADDITION, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET; THENCE N30°37'53"W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET, A DISTANCE OF 536.43 FEET TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE N60°13'42"W, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 80.01 FEET TO THE POINT OF BEGINNING; THENCE N60°13'42"W, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 33.50 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE MISSOURI

PACIFIC RAILROAD COMPANY COMPANY, BEING A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF N12°07'24"E, A RADIUS OF 374.565 FEET AND A CENTRAL ANGLE OF 3°19'30"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 21.74 FEET; THENCE S21°03'59"E, A DISTANCE OF 17.25 FEET; THENCE S60°13'42"E, A DISTANCE OF 26.37 FEET; THENCE S31°17'46"W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 409 SQUARE FEET, MORE OR LESS.

AND

Permanent Road Right of Way Easement: ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 25 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY MARTIN MUELLER, KS LS 1344, MCLAUGHLIN MUELLER, INC., NOVEMBER 9, 2023, TO WIT:

COMMENCING AT THE NORTHWEST CORNER OF LOT 8, BIGGER'S ADDITION, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET; THENCE N30°37'53"W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET, A DISTANCE OF 536.43 FEET TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE N60°13'42"W, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 113.51 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD COMPANY, BEING A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF N12°07'24"E, A RADIUS OF 374.565 FEET AND A CENTRAL ANGLE OF 16°34'04"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 108.31 FEET TO THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN BOOK 1147 AT PAGE 306; THENCE S28°41'31"W, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 6.74 FEET; THENCE S34°24'57"W, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 62.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD COMPANY, BEING A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF N04°13'00"W, A RADIUS OF 705.05 FEET AND A CENTRAL ANGLE OF 0°13'25"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE ARC OF THAT CURVE TO THE RIGHT, HAVING A RADIUS OF 705.05 FEET AND A CENTRAL ANGLE OF 3°10'25"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID EASTERLY RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD COMPANY, A DISTANCE OF 39.05 FEET; THENCE S59°37'44"E, A DISTANCE OF 21.14 FEET; THENCE S30°22'16"W, A DISTANCE OF 32.83 FEET TO THE POINT OF BEGINNING. CONTAINING 354 SQUARE FEET, MORE OR LESS.

AND

Temporary Construction Easement: ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 25 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY MARTIN MUELLER, KS LS 1344, MCLAUGHLIN MUELLER, INC., NOVEMBER 9, 2023, TO WIT:

COMMENCING AT THE NORTHWEST CORNER OF LOT 8, BIGGER'S ADDITION, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET; THENCE N30°37'53"W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET, A

DISTANCE OF 536.43 FEET TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE N60°13'42"W, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 80.01 FEET; THENCE N31°17'46"E, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE N60°13'42"W, A DISTANCE OF 26.37 FEET; THENCE N21°03'59"W, A DISTANCE OF 17.25 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD COMPANY, BEING A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF N15°26'54"E, A RADIUS OF 374.565 FEET AND A CENTRAL ANGLE OF 2°54'54"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 19.03 FEET; THENCE S60°33'12"E, A DISTANCE OF 44.78 FEET; THENCE S31°17'46"W, A DISTANCE OF 29.70 FEET TO THE POINT OF BEGINNING. CONTAINING SQUARE 1156 FEET, MORE OR LESS.

AND

Temporary Construction Easement: ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 25 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY MARTIN MUELLER, KS LS 1344, MCLAUGHLIN MUELLER, INC., NOVEMBER 9, 2023, TO WIT:

COMMENCING AT THE NORTHWEST CORNER OF LOT 8, BIGGER'S ADDITION, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET; THENCE N30°37'53"W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET, A DISTANCE OF 536.43 FEET TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE N60°13'42"W, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 113.51 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD COMPANY, BEING A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF N12°07'24"E, A RADIUS OF 374.565 FEET AND A CENTRAL ANGLE OF 16°34'04"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 108.31 FEET TO THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN BOOK 1147 AT PAGE 306; THENCE S28°41'31"W, ALONG SAID EASTERLY LINE, A DISTANCE OF 6.74 FEET; THENCE S34°24'57"W, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 16.79 FEET TO THE POINT OF BEGINNING; THENCE S34°24'57"W, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 45.21 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD COMPANY, BEING A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF N04°13'00"W, A RADIUS OF 705.05 FEET AND A CENTRAL ANGLE OF 0°13'25"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2.75 FEET; THENCE N30°22'16"E, A DISTANCE OF 32.83 FEET; THENCE N59°37'44"W, A DISTANCE OF 21.14 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD COMPANY, BEING A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF N00°49'11"W, A RADIUS OF 705.05 FEET AND A CENTRAL ANGLE OF 0°54'54"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 11.26 FEET; THENCE S59°37'44"E, A DISTANCE OF 31.83 FEET TO THE POINT OF BEGINNING. CONTAINING 382 SQUARE FEET, MORE OR LESS.

Project Tract B

Parcel Address: No Common Address

Wyandotte County Parcel I.D.: No parcel identification number

Fee Simple Owner: Union Pacific Railroad Company, successor to Missouri Pacific Railroad Company

Fee Simple: ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 25 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY MARTIN MUELLER, KS LS 1344, MCLAUGHLIN MUELLER, INC., NOVEMBER 9, 2023, TO WIT:

COMMENCING AT THE NORTHWEST CORNER OF LOT 8, BIGGER'S ADDITION, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET; THENCE N30°37'53"W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF JAMES STREET, A DISTANCE OF 536.43 FEET TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE N60°13'42"W, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 113.51 FEET TO THE POINT OF BEGINNING; THENCE N60°13'42"W, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 28.98 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD COMPANY; THENCE N04°08'11"W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 80.91 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 586.19 AND A CENTRAL ANGLE OF 5°41'16"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 58.19 FEET TO THE NORTH LINE OF LOT 16, AS ESTABLISHED BY THE REPORT OF COMMISSIONERS IN PARTITION SUIT NO. 911, THOMAS EWING, JR., ET AL., VS. WM. WEER, ET. AL., IN THE FIRST JUDICIAL DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS; THENCE N59°22'07"E, ALONG SAID NORTH LINE, A DISTANCE OF 61.90 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD COMPANY; THENCE S26°34'17"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 45.11 FEET TO A POINT OF NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF S07°56'28"W, A RADIUS OF 346.71 AND A CENTRAL ANGLE OF 7°50'45"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 47.48 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT, HAVING A RADIUS OF 705.05 FEET AND A CENTRAL ANGLE OF 4°18'43"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID EAST RIGHT-OF-WAY LINE, DISTANCE OF 53.06 FEET TO A POINT ON THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN BOOK 1147 AT PAGE 306; THENCE N34°24'57"E, ALONG SAID EASTERLY LINE, A DISTANCE OF 62.00 FEET; THENCE N28°41'31"E, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 6.74 FEET TO A POINT OF NON-TANGENT CURVE TO THE LEFT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID MISSOURI PACIFIC RAILROAD COMPANY, HAVING AN INITIAL TANGENT BEARING OF S28°41'23"W, A RADIUS OF 374.565 AND A CENTRAL ANGLE OF 16°34'04"; THENCE ALONG THE ARC OF THAT CURVE, BEING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 108.31 FEET TO THE POINT OF BEGINNING. CONTAINING 5309 SQUARE FEET, MORE OR LESS.

Project Tract C

Parcel Address: 350 James Street

Wyandotte County Parcel I.D.: R50382

Fee Simple Owner: National Retail Properties

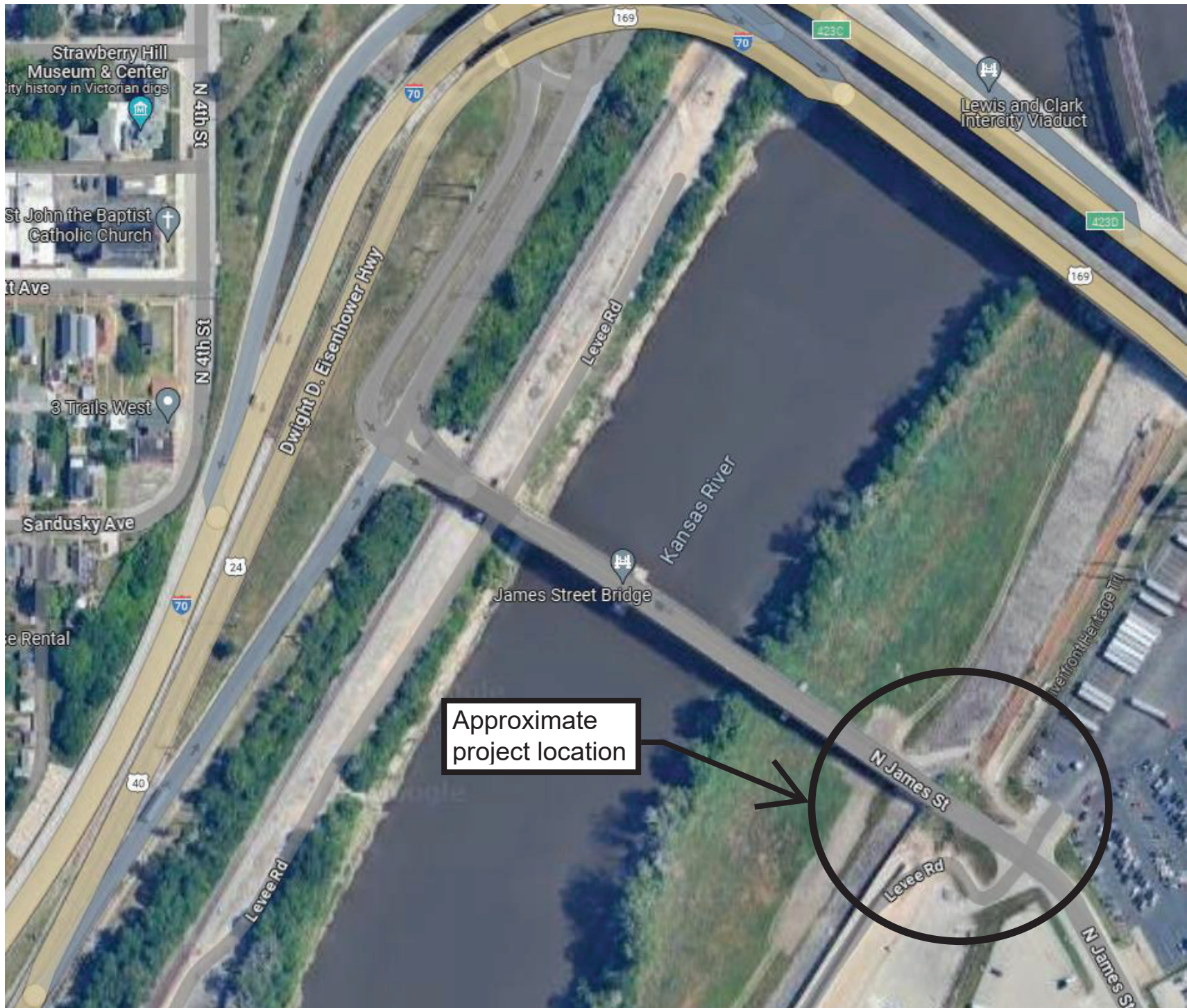
Permanent Road Right of Way Easement: ALL THAT PART OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 25 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY MARTIN MUELLER, KS LS 1344, MCLAUGHLIN MUELLER, INC., AUGUST 16, 2023, TO WIT:

COMMENCING AT THE POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF JAMES STREET IN KANSAS CITY, KANSAS, WITH THE LINE BETWEEN LOTS 15 AND 16, AS SHOWN ON THE PLAT IN CASE NO. 911; THENCE N30°58'46"W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 9.17 FEET TO AN ANGLE POINT IN SAID WESTERLY RIGHT-OF-WAY LINE; THENCE N60°08'34"W, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 150.79 FEET; THENCE S32°05'42"W, A DISTANCE OF 18.54 FEET TO THE POINT OF BEGINNING; THENCE S61°03'34"E, A DISTANCE OF 22.36 FEET; THENCE S28°56'26"W, A DISTANCE OF 33.96 FEET; THENCE S73°22'11"W, A DISTANCE OF 12.42 FEET; THENCE S32°05'42"W, A DISTANCE OF 34.29 FEET; THENCE N57°53'46"W, A DISTANCE OF 16.00 FEET; THENCE N32°05'42"E, A DISTANCE OF 76.30 FEET TO THE POINT OF BEGINNING. CONTAINING 1511 SQUARE FEET, MORE OR LESS.

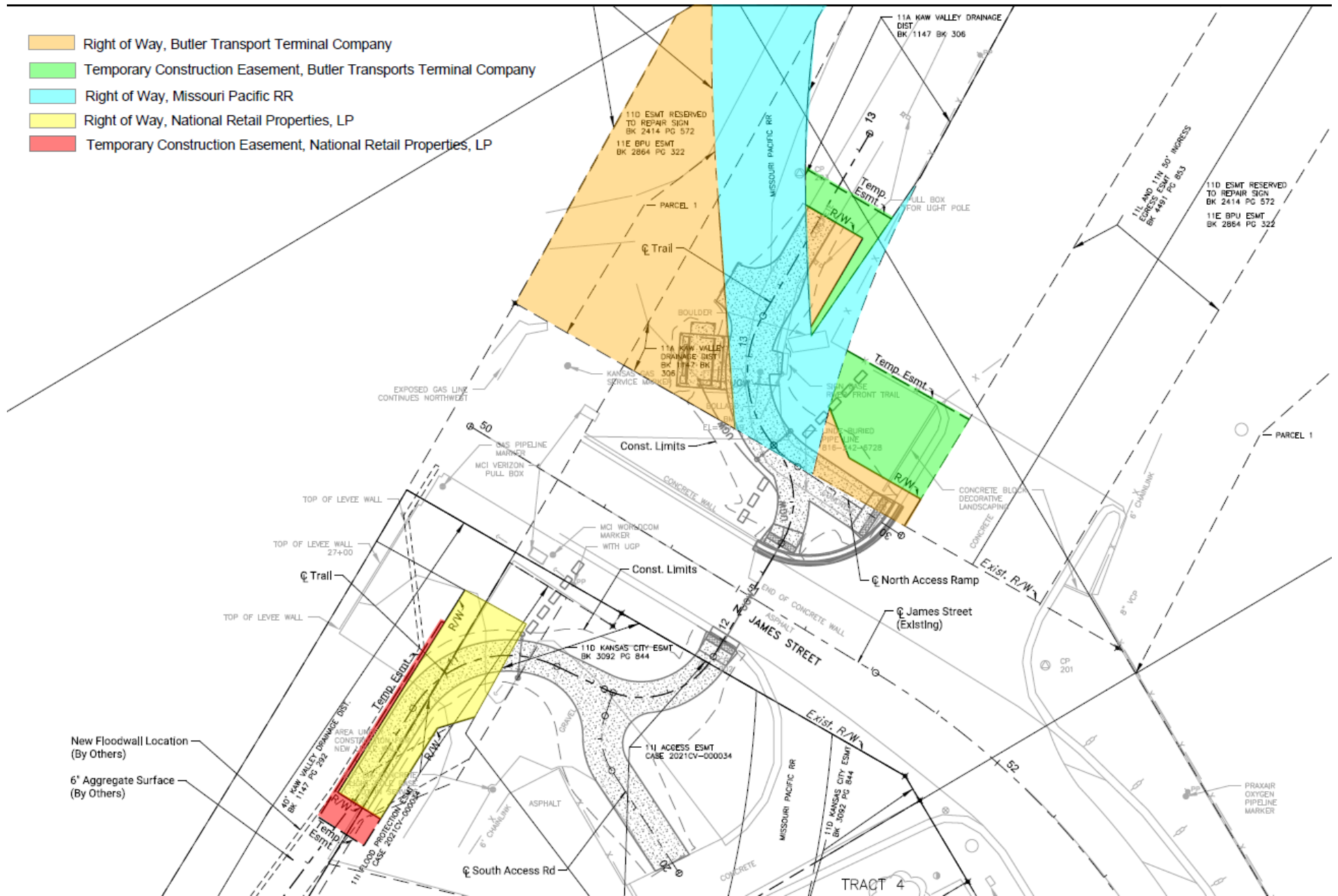
AND

Temporary Construction Easement: ALL THAT PART OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 25 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY MARTIN MUELLER, KS LS 1344, MCLAUGHLIN MUELLER, INC., AUGUST 16, 2023, TO WIT:

COMMENCING AT THE POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF JAMES STREET IN KANSAS CITY, KANSAS, WITH THE LINE BETWEEN LOTS 15 AND 16, AS SHOWN ON THE PLAT IN CASE NO. 911; THENCE N30°58'46"W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 9.17 FEET TO AN ANGLE POINT IN SAID WESTERLY RIGHT-OF-WAY LINE; THENCE N60°08'34"W, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 150.79 FEET; THENCE S32°05'42"W, A DISTANCE OF 30.95 FEET TO THE POINT OF BEGINNING; THENCE S32°05'42"W, A DISTANCE OF 63.89 FEET; THENCE S57°53'46"E, A DISTANCE OF 16.00 FEET; THENCE S32°06'14"W, A DISTANCE OF 10.00 FEET; THENCE N57°53'46"W, A DISTANCE OF 17.00 FEET; THENCE N32°05'42"E, A DISTANCE OF 73.89 FEET; THENCE S57°54'18"E, A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING. CONTAINING 234 SQUARE FEET, MORE OR LESS.



- Right of Way, Butler Transport Terminal Company
- Temporary Construction Easement, Butler Transport Terminal Company
- Right of Way, Missouri Pacific RR
- Right of Way, National Retail Properties, LP
- Temporary Construction Easement, National Retail Properties, LP





Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Zach Hunt, Deputy Election Commissioner zhunt@wycokck.org x8500	Election
AGENDA ITEM #XIII.6.		
APPOINTMENTS: WITNESS DESTRUCTION OF ELECTION BALLOTS AND RECORDS		
SYNOPSIS		
Appoint Commissioner Ramirez and Commissioner Lopez to witness on March 4, 2024, the destruction of ballots and records that no longer need to be retained. Should the primary appointments be unable to attend, alternate appointments should be Commissioner Hill and Bette McGill. Ms. McGill has been appointed as an alternate by Commissioner Lopez.		
BACKGROUND		
Appoint Commissioner Ramirez and Commissioner Lopez to witness the destruction of ballots and records that no longer need to be retained on March 4, 2024. Should the primary appointments be unable to attend, alternate appointments should be Commissioner Hill and Bette McGill. Ms. McGill has been appointed as an alternate by Commissioner Lopez, submitted by Zach Hunt, Deputy Election Commissioner.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Angel Ferrara, Director aferrara@wycokck.org x8354	Parks & Recreation
AGENDA ITEM #XIII.7.		
PRESENTATION: 2024 CASINO GRANT OVERVIEW		
SYNOPSIS		
An overview of the Hollywood Casino Grant process and timeline, submitted by Angel Ferrara, Director of Parks and Recreation.		
BACKGROUND		
An overview of the Hollywood Casino Grant process and timeline, submitted by Angel Ferrara, Director of Parks and Recreation. <i>For Information Only</i>		
RECOMMENDATION		
For information only		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
2.29.24		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
2024 Webinar Slides Final		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:

A large, illuminated sign for Hollywood Casino. The word "Hollywood" is in a bold, blocky font, and "Casino" is in a large, elegant script font. The sign is set against a dark background and is brightly lit.

Hollywood
Casino

Unified Government Hollywood Casino Grant Fund

Grant Information Session

2024

Presenters

Sarah Forgey

Philanthropic Advisor,
Greater Kansas City
Community Foundation



Angel Ferrara

Director of Parks and
Recreation, Unified
Government of WYCO/KCK



Eligibility Requirements

- Eligible:
 - 501(c)(3) organizations
 - Organizations that do not have 501(c)(3) designation who apply through an eligible fiscal sponsor
- Ineligible:
 - Any organization that is not a 501(c)(3) public charity, including:
 - Units of local government (e.g., city or county government departments, public schools, KCKCC, etc.).
 - Religious institutions (eligible only if they have a 501(c)(3) designation)
 - Neighborhood associations (eligible only if they have a 501(c)(3) designation)
 - An organization whose 501(c)(3) status is not current with the IRS

Fiscal Sponsor

- A fiscal sponsor is a 501(c)(3) nonprofit organization that provides fiduciary oversight, financial management, and other administrative services to support a charitable cause or purpose.
- Requires a signed and dated agreement (letter or MOU) between the two agencies.
- Maintaining control over the grant funds is a requirement of a fiscal sponsor arrangement.
- If selected for funding, the grant check will be made payable to and mailed to the fiscal sponsor.



Grant Restrictions & Projects Not

Geographical Restrictions:

ALL applicants are required to demonstrate that the use of funding will primarily be in Wyandotte County and clients/beneficiaries served are residents of Wyandotte County.

Grantees will be required to report residential zip codes of clients served.

Will generally not award grants to the following:

- Capital campaign
- Endowment campaign
- Annual fund drive
- Debt retirement or operating deficits
- Direct support to individuals, including scholarships
- Lobbying activities, legislation-related activities or political campaigns
- Activities that specifically benefit the members of an athletic, veteran, fraternal, sectarian or religious group
- Equipment expenses, unless the equipment will directly improve the organization's ability to provide and deliver services
- Requests for general operating support will only be considered if the funding will be used to significantly expand the services of organization

Projects of Highest Priority

Projects that:

- Leverage additional funding, both private and public.
- Demonstrate alignment with Wyandotte County's Comprehensive Plan (www.wycokck.org)
- Demonstrate alignment with Healthy Communities Wyandotte (www.hcwyco.org) and “work toward a happier, healthier Wyandotte for everyone.”
- Include collaborative efforts that minimize duplication.
- Have clearly established measurable outcomes and the ability to monitor and report them.
- Programs that reach at-risk or underserved populations.

Grant Amounts & Reporting

- There is no restriction on minimum or maximum size of grant.
- Each Commissioner and the Mayor are given a designated amount of grant dollars that they decide how to distribute among applicant organizations.
- In 2023, grants ranged from \$500 - \$27,000 and the average grant award was \$6,900.
- Reporting requirements for grantees*:
 - Interim Report – Due in March of 2024
 - Final Report – Due in July of 2024
- * Dates may be updated prior to due date
- Grantees are required to report zip code data for program or service participants.



Role of the Community Foundation

The Greater Kansas City Community Foundation will:

- Provide technical assistance to applicants throughout the application process.
- Review all grant applications for eligibility.
- Provide applications of eligible applicants to the Board of Commissioners.
- For applicants that previously received a grant, interim reports from 2022 and 2023 awards will be provided to the Board of Commissioners in addition to data on past report compliance.
- Send communications regarding the status of your application and notify grantees of upcoming reports due.



GREATER KANSAS CITY
COMMUNITY FOUNDATIONSM

The background of the slide features a photograph of a city street at sunset. The sun is low on the horizon, creating a warm, golden glow and long shadows. A modern tram is visible on the right side of the street, and several cars are parked or moving in the distance. The architecture of the buildings lining the street is visible, with some windows reflecting the sunset light.

Role of the Board of Commissioners and Mayor

The Board of Commissioners and Mayor will:

- Serve as the Selection Committee and evaluate the application's alignment with the Unified Government's priorities.
- Each Commissioner and the Mayor will designate in writing how they wish to allocate their share of their funds.
- The final distribution of funds must be approved by majority vote of the Board of Commissioners at a Commission meeting.



Important Dates

April 19
Application
Due by
5 p.m. CT

June 27
Commission
Meeting to
approve grant
awards

March 1
Applications Open;
Grant Information
Session
2:30 p.m. CT

May - June
Community
Foundation and
Board of
Commissioners
review applications
and make
selections

Mid-July
Award
notifications
issued, funds
to be
released 2-3
weeks after
notification

Submission of Applications

Application available online

- Growyourgiving.org/grant
 - Unified Government Hollywood Casino Fund
- ◆ Submit through online system, SurveyMonkey Apply
- ◆ If your organization is not registered for an account, please click the Register button to get started
- ◆ When you register for an account, consider using an email account not associated with a specific person (i.e., info@nonprofit.org)
- ◆ If you have technical questions relating to SurveyMonkey Apply, please contact grants@growyourgiving.org or 816-627-3452

Unified Government Hollywood Casino Fund

Keeping with the intent of Healthy Communities Wyandotte, the focus will be to fund programs that increase knowledge and action toward long-term changes that enable Wyandotte County community members to eat healthy food and be physically active. The selection committee is seeking applications that demonstrate cultural relevance, address opportunities to increase knowledge and improve the food environment or support active living through utilization of Wyandotte County's environmental infrastructure.

Important Dates:

- **Application Available:** Monday, February 21, 2022
- **[Optional Virtual Grant Information Session:](#)** Tuesday, March 1, 2022 from 2:00-4:00 p.m.
 - Registered attendees will receive Zoom information at least one hour prior to the session.
- **Application Deadline:** Friday, April 8, 2022, 5:00 p.m. CST
- Notifications of award and decline sent the week of July 15, 2022

Contact Information: Denise St. Omer, stomer@growyourgiving.org/816.627.3417 or Kelli Doyle, doyle@growyourgiving.org/816.268.3203

Grant Requirements:

Grants are made only to nonprofits that have current 501(c)(3) status. Requests for general operating support will only be considered if the funding will be used to significantly expand the services of organizations.

APPLY

Opens

Feb 21 2022 12:00 AM (CST)

Deadline

Apr 8 2022 05:00 PM (CDT)



Changes to the 2024 Application

- ◆ Previous year's grantees are no longer required to report on past awards within the grant application. The Commissioners and Mayor will be provided a copy of your 2022 and 2023 reports.
- ◆ No mandatory project budget form
 - ◆ Submitted budgets must still show revenue and expenses
 - ◆ You will still be required to answer budget narrative questions
- ◆ No requirements to provide detailed information on your board of directors



Helpful Tips

- ◆ Read the grant guidelines before you begin an application.
- ◆ It is rare that an organization receives the full amount requested.
- ◆ Make sure that you are up-to-date on reporting requirements if you have previously received a grant.
- ◆ Do not upload any additional items such as letters of support or pictures. They will not be included in the review process.
- ◆ The Community Foundation is unable to advise you on the likelihood that your submission will be funded. You are free to contact the Commissioners or Mayor at anytime during the grant competition.

Important Information

General Inquires/Eligibility

- ◆ Sarah Forgey
- ◆ Phone: 816.627.3444
- ◆ Email: forgey@growyourgiving.org

Registration and Application Technical Assistance

- ◆ Website: www.growyourgiving.org/grants
- ◆ GKCCF Grants Team
- ◆ Phone: 816.627.3452
- ◆ Email: grants@growyourgiving.org

Healthy Communities Wyandotte

- ◆ Website: www.hcwyco.org

Wyandotte County Comprehensive Plan

- ◆ Website: wycokck.org/files/assets/public/v/1/planning-amp-urban-design/documents/comprehensive-plan/2023.11.21-plankck_final.pdf

QUESTIONS?



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jud Knapp, Acting Land Bank Manager jknapp@wycokck.org x5472	Land Bank Approvals
AGENDA ITEM #XV.1.		
LAND BANK OPTION APPLICATIONS		
SYNOPSIS		
The following option application(s) was presented at the 01/08/2024 meeting: Please visit the new site to review the applications below https://gisapp.wycokck.org/Landbank.html A. Single Family Homes – 5 Homes 1. Rogelio Avalos – 2 homes 823 Ohio Ave – 119802 819 Ohio Ave - 119801 2. Miguel Cortes – 1 home 2122 State Ave - 065500 3. Cecily Marrero – 1 home 2949 N 40th St - 105317 4. Dallas Wolfe – 1 home 917 Shawnee Ave - 072946 B. Multi Family – 4 Units 1. Sumey – 2 units 919 Argentine Blvd – 072991 917 Argentine Blvd - 073198 2. Ryan Barr – 2 units 1835 S 5th St – 154893		
BACKGROUND		
The following option application(s) was presented at the 01/08/2024 meeting: Please visit the new site to review the applications below https://gisapp.wycokck.org/Landbank.html A. Single Family Homes – 5 Homes B. Multi Family – 4 Units		
RECOMMENDATION		

Approve
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS
IT/POLICY CONSIDERATIONS
PROCUREMENT CONSIDERATIONS
LEGAL CONSIDERATIONS
ATTACHMENTS
FC Memo Land Bank Options 01.08.24

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: February 26, 2024
SUBJECT: Option applications for consideration

The following **option application(s)** was presented at the 01/08/2024 meeting:

Please visit the new site to review the applications below

<https://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 5 Homes

1. Rogelio Avalos – 2 homes
 - i. 823 Ohio Ave – 119802
 - ii. 819 Ohio Ave - 119801
2. Miguel Cortes – 1 home
 - i. 2122 State Ave - 065500
3. Cecily Marrero – 1 home
 - i. 2949 N 40th St - 105317
4. Dallas Wolfe Wolfe – 1 home
 - i. 917 Shawnee Ave - 072946

B. Multi Family – 4 Units

1. Sumey – 2 units
 - i. 919 Argentine Blvd – 072991
 - ii. 917 Argentine Blvd - 073198
2. Ryan Barr – 2 units
 - i. 1835 S 5th St – 154893