

UPDATED AGENDA
MARCH 28, 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/82327385912>

Or One tap mobile:

+16699009128,82327385912# US (San Jose)

+17193594580,82327385912# US

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

+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), +1 669 444 9171 US, +1 646 931 3860 US, +1 689 278 1000 US, +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)

877 853 5257 US (Toll-Free) 888 475 4499 US (Toll-Free)

Webinar ID: 823 2738 5912

International numbers available: <https://us02web.zoom.us/j/82327385912>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY CHAPLAIN ANNIE ERICKSON, GRANDVIEW PARK PRESBYTERIAN CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MARCH 28, 2024 AGENDA**
ADDING DOCUMENT TO ITEM NO. 2 REGULAR CONSENT AGENDA
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- 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. LAND BANK BOARD OF TRUSTEES' NON-CONSENT AGENDA
- XVII. PUBLIC ANNOUNCEMENTS
- XVIII. ADJOURN

VII. PLANNING AND ZONING CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. SP2023-109 - JOSEPH AAKER

Synopsis: Special Use Permit to operate a Short-Term Rental in two (2) of the four (4) units in the townhome at 3059 Francis Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 213049

2. SP2023-119 - HOUSTON DEFOE

Synopsis: Special Use Permit for a Short-Term Rental at 204 Orchard Street (upstairs), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 213050

3. SP2024-003 - JOHN MANN WITH AVENUE OF LIFE

Synopsis: Renewal of a Special Use Permit (SP2022-023, expires 6/2/2024) to continue to operate transitional housing for youth at 3535 Wood Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 213048

B. VACATION APPLICATION

1. VAC2024-001 - DARYL K. RAKOSKI

Synopsis: Vacation of a utility easement on Lot 1 of Villas at Piper Valley at 11471 Webster Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 213051

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

1. AN ORDINANCE rezoning property at 3921 North 51st Street (COZ2023-032) 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 #: 213034
2. AN ORDINANCE rezoning property at 6815 Cernech Road and 3420 North 67th Street (COZ2023-033) 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 #: 213035
3. AN ORDINANCE rezoning property at 3909 and 3011 North 57th Street (COZ2023-025) from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213036
4. AN ORDINANCE authorizing a Special Use Permit (SP2023-078) 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)**
Tracking #: 213037
5. AN ORDINANCE authorizing a Special Use Permit (SP2023-094) to operate a cold-weather shelter at 550 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213038
6. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental at 2903 West 45th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213039
7. AN ORDINANCE authorizing a Special Use Permit (SP2023-111) to operate a group home at 2601 Ridge Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213040
8. AN ORDINANCE authorizing a Special Use Permit (SP2023-112) 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)**
Tracking #: 213041

9. AN ORDINANCE authorizing a Special Use Permit (SP2023-115) for an automotive dealership at 2959 North 7th Street Trafficway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213042
10. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-116) at 2311 North 104th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213043
11. AN ORDINANCE authorizing a Special Use Permit (SP2023-118) 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)**
Tracking #: 213044
12. AN ORDINANCE authorizing a Special Use Permit (SP2023-121) for a non-owner-occupied Short-Term Rental at 611 Douglas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213045
13. AN ORDINANCE authorizing a Special Use Permit (SP2024-001) for a truck leasing, maintenance, and repair facility at 11 North James Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213046
14. AN ORDINANCE authorizing a Special Use Permit (SP2023-071) for a non-owner-occupied Short-Term Rental at 731 North 75th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 213047

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR MARCH 28, 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

X. REGULAR CONSENT AGENDA

1. **RESOLUTION: APPROVING A FIFTH AMENDMENT TO THE LEGENDS WEST LAWN DEVELOPMENT**

Synopsis: Approval of a resolution extending the completion date of the paving and striping improvements required at Legends West Lawn to November 30, 2024, before a \$500,000 liquidated damages provision applies, submitted by Jeff Conway, Senior Attorney.

*On March 4, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 212976

2. **APPROVAL: EXTENSION OF DEADLINE TO ISSUE INDUSTRIAL REVENUE BONDS (ADDING DOCUMENT PER AGENDA UPDATE)**

Synopsis: Approval of an extension of certain deadlines to issue industrial revenue bonds related to the American Royal Project to July 31, 2024, submitted by Jeff Conway, Assistant Counsel.

*On March 4, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 213023

3. **NOMINATIONS: BOARDS AND COMMISSIONS**

Synopsis: Golf Advisory Board:

Appointment of Chancellor Adams -Term 3/28/24 to 12/15/25, submitted by Commissioner Davis.

Tracking #: 213052

4. **PLAT: SCHUBERT'S ENCHANTED WILDS**

Synopsis: Plat of Schubert's Enchanted Wilds, located along Lloyd Street North of 47th Street, and being developed by Spencer Schubert, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 213053

5. **MINUTES**

Synopsis: Minutes from the Full Commission meeting on February 16, 2023, and the Special Session meeting on February 29, 2024.

Tracking #: MINUTES

6. **WEEKLY BUSINESS**

Synopsis: Weekly business materials dated December 28th, 2023 and January 11th & 18th, 2024.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. LAND BANK OPTIONS

Synopsis: The following **option application(s)** was presented at the 03/04/2024 Neighborhood and Community Development Standing Committee, submitted by Jud Knapp, Land Bank Manager.

Please visit the new site to review the applications below.

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

A. Single Family Homes - 15 homes

B. Multi-Family - 50 units

C. Commercial - 1

Tracking #: 212971

2. LAND BANK PROPERTY TRANSFERS

Synopsis: The following property transfers were presented at the 03/04/24 Neighborhood and Community Development Standing Committee, submitted by Jud Knapp, Land Bank Manager.

Please visit the new site to review the applications below.

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

10 Property Transfers from the UG into the Land Bank

Tracking #: 212972

XVI. LAND BANK BOARD OF TRUSTEES' NON-CONSENT AGENDA

1. LAND BANK OPTIONS

Synopsis: The following **option application(s)** was presented at the 03/04/2024 Neighborhood and Community Development Standing Committee, submitted by Jud Knapp, Land Bank Manager. This item received a vote 4 to 1.

Please visit the new site to review the applications below.

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

B. Multi Family - 37 units

Tracking #: 213054

XVII. PUBLIC ANNOUNCEMENTS

XVIII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, MARCH 28, 2024**

ADDING NEW DOCUMENT

X. REGULAR CONSENT AGENDA

**Item No. 2 – APPROVAL: EXTENSION OF DEADLINE TO ISSUE
INDUSTRIAL REVENUE BONDS**

Synopsis: Approval of an extension of certain deadlines to issue industrial revenue bonds related to the American Royal Project to July 31, 2024, submitted by Jeff Conway, Assistant Counsel.

*On March 4, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 213023

NEW DOCUMENT

- **Resolution amending certain provisions of Resolution No. R-52-23**



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: March 28, 2024

Re: Special Use Petition SP2023-109

GENERAL INFORMATION

Applicant:

Joseph Aaker

Status of Applicant:

Property Owner
1742 Belleview Avenue
Kansas City, Missouri 64108

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

November 3, 2023

Purpose:

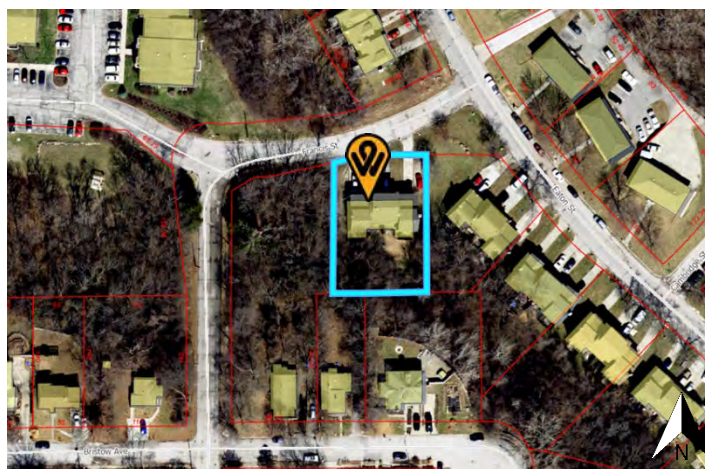
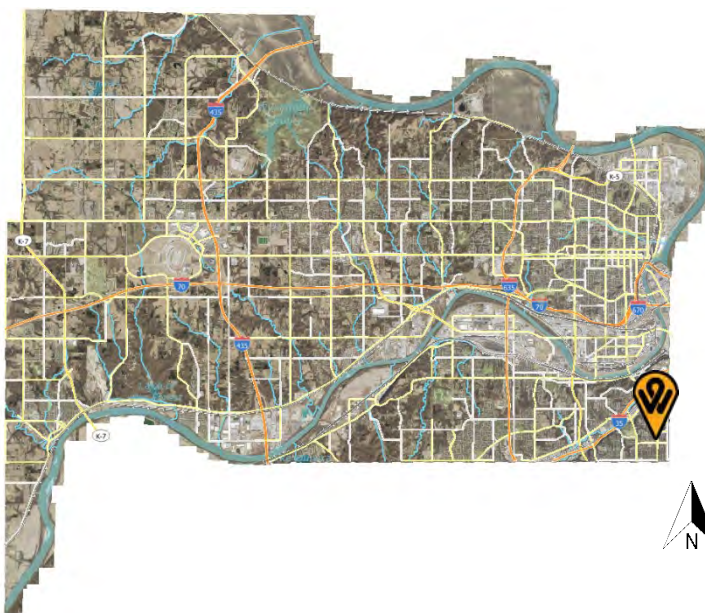
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

3059 Francis Street
Kansas City, Kansas 66103

Commission Districts:

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



Existing Zoning:	RP-5 Planned Apartment District
Adjacent Zoning:	North: RP-5 Planned Apartment District South: R-2(B) Two-Family District East: RP-5 Planned Apartment District West: RP-5 Planned Apartment District
Adjacent Uses:	North: Townhomes South: Single-Family Residence East: Townhomes West: Townhomes
Total Tract Size:	0.34 Acre
Comprehensive Plan Designation:	The Rosedale Area Plan designates this property as General Urban, which allows for rowhouses, townhomes, and single-family houses. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors.
Major Street Plan:	The goDotte Mobility Plan designates Eaton Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-460(d) states “One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more”. The property appears to have four (4) units with two (2) bedrooms or more, which requires 8 spaces. The property provides 12 spaces.
Advertisement:	<u>The Wyandotte Echo</u> – December 14, 2023 Letters to Property Owners – December 15, 2023 and January 11, 2024
Public Hearings:	March 11, 2024 and March 28, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Joseph Aaker, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3059 Francis Avenue. This is not the owner’s primary residence. This would be the first and only

permitted short-term rental on the 3000 block of Francis Street, which spans from Eaton Street to Bristow 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. 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 Rosedale Statistical Neighborhood and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and attached single-family residences. The neighborhood is adjacent to the Southwest Boulevard and Rainbow Boulevard commercial corridors.

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 RP-5 Planned Apartment District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity. 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 townhome. 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 units in questions have been vacant.

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 this property as General Urban, which allows for rowhouses, townhomes, and single-family houses. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. The proposed use conforms to the comprehensive plan if approved 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 Francis Street, 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 four-plex 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) per unit. The maximum number of vehicles off-street is three (3) per units. 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 February 22, 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 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-109, **for one (1) year**, subject to:

1. The applicant shall install three (3) trees in the front yard;
2. The applicant shall only rent 3063 Francis and 3065 Francis as short-term units. The remaining units shall not be used for short-term rentals;
3. Maximum number of guests shall be six (6) per unit;
4. All parking must be off-street, maximum number of vehicles is two (2) per unit. 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 **SP2023-109** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 11, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Home Inspection Report
Site Photos, Taken by Staff, Dated December 8, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 11, 2024	March 28, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-109** 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 **SP2023-109**, 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.

March 11, 2024, City Planning Commission Minutes:

Hearing starts at 1:00:50:

SPECIAL USE PERMIT APPLICATION SP2023-109 – JOSEPH AAKER - SYNOPSIS:

Special Use Permit to operate a Short-Term Rental in two (2) of the four (4) units in the townhome at 3059 Francis Street. Detailed Outline of Requested Action: The applicant, Joseph Aaker, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3059 Francis Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3000 block of Francis Street, which spans from Eaton Street to Bristow 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 March 11, 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:

- Joe Aaker, applicant, 1742 Bellevue Avenue, Kansas City, Missouri 64108

The Commission directed questions to the Applicant and Director Hand.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:08:30: Planning Director Hand stated that this is a request for a non-owner-occupied Short-Term Rental (STR) in a fourplex unit. The property is in the Rosedale Area Plan. Staff has received no letters in support nor

opposition. There are no Notices of Violation on the property. Staff recommends approval for one (1) year, subject to the conditions in the staff report.

Commissioner Straws directed questions to Director Hand. Director Hand stated that he will send the Commission the new code section relating to Short-Term Rentals.

Motion starts at 1:11:38:

On motion by Mrs. Jones, seconded by Ms. Schwartz, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-109 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

1. The applicant shall install three (3) trees in the front yard;
2. The applicant shall only rent 3063 Francis and 3065 Francis as short-term units. The remaining units shall not be used for short-term rentals;
3. Maximum number of guests shall be six (6) per unit;
4. All parking must be off-street, maximum number of vehicles is two (2) per unit. 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

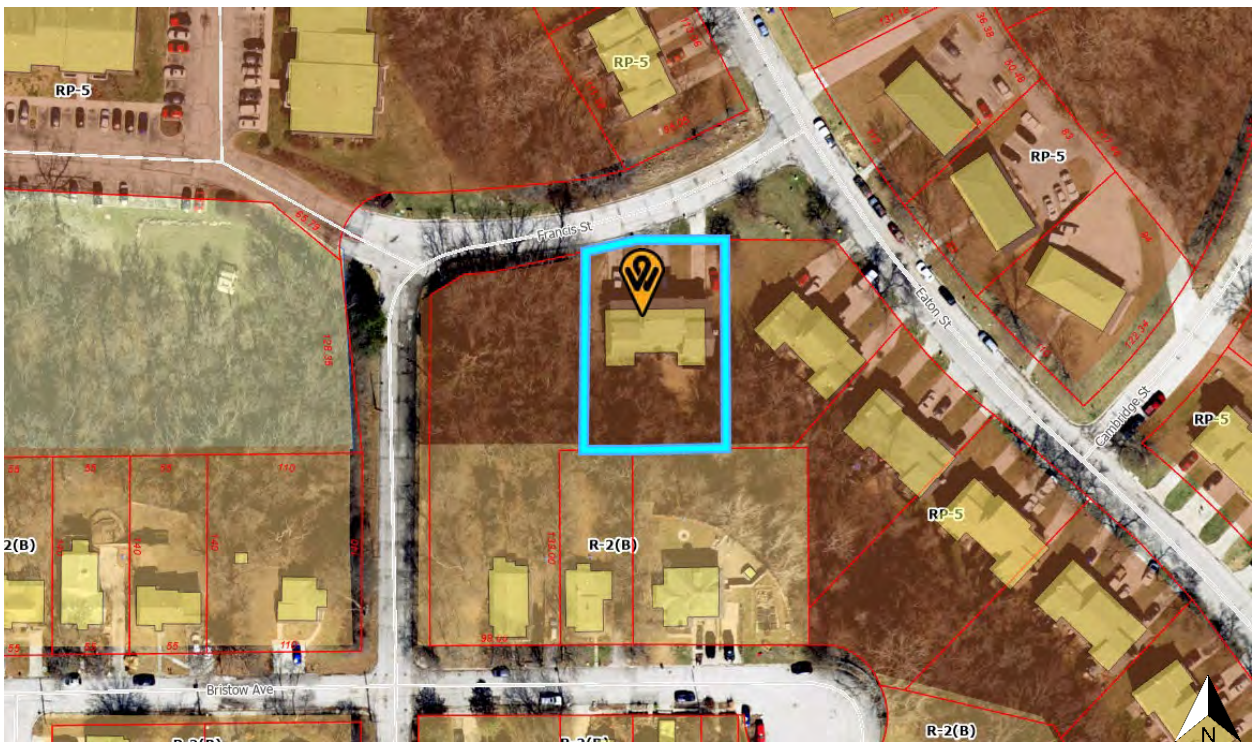
- Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If 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.

ATTACHMENTS

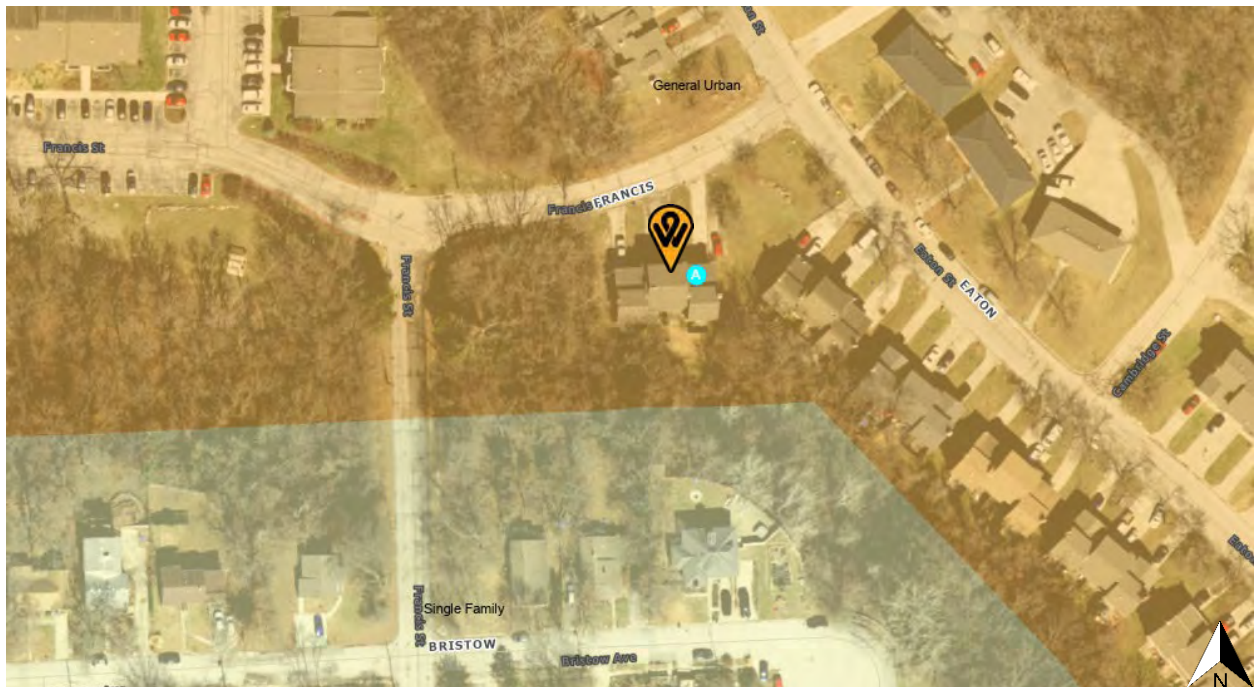
AERIAL IMAGERY



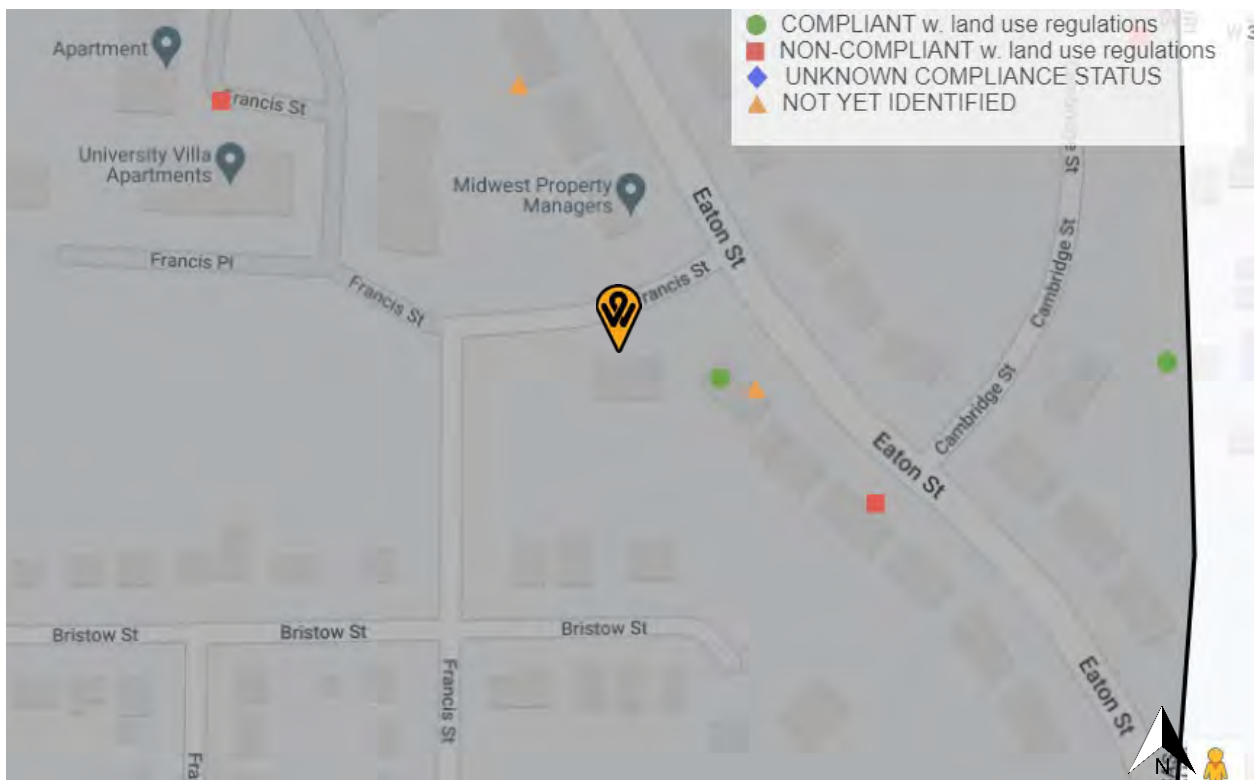
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – DECEMBER 13, 2023



NEIGHBORHOOD MEETING MATERIALS

Neighborhood Meeting Minutes

Application Number: SP2023-109

Property Address: 3063 and 3065 Francis St., Kansas City, KS 66103

Date and Location: February 22 4:00pm CT Virtual Meeting on Zoom

Meeting opened at 3:58pm and ended at 4:32pm.

Meeting attendees: Joseph Aaker

The line was held open for 30 minutes, but no other parties joined the meeting.

No phone or email responses were received in response to the letters sent to neighboring property owners.

Minutes taken by: Joseph Aaker

Date: February 9, 2024

COMMISSIONER CHRISTIAN RAMIREZ
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department #SP2023-109. The purpose of this application is to obtain a Short-Term Rental Special Use Permit for two apartment units at 3063 and 3065 Francis St., Kansas City, KS 66103.

I am having a neighborhood meeting on Thursday February 22nd at 4 p.m. which will be held virtually over Zoom using Meeting ID 752 9950 2307 and Passcode 8P9N0A.

Please email or call me at the phone number/email listed below if you would like to receive an email invitation to the virtual 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 have questions or comments but are unable to attend, please contact me at the phone number/email listed below.

Sincerely,

Joseph Aaker
joeaaker@liaproproperties.com
816-237-8104

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition #SP203-109.
2. That I conducted a neighborhood meeting on February 22, 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 28th day of FEB, 2024.

My commission expires 16th of Aug, 2027




Notary Public

HOME INSPECTION REPORT

3063 & 3065 Francis St

Joe Aaker

Observation: During the inspection, we observed a possible mold-like substance in one or more locations within the property.

Risk: The presence of possible mold could pose health risks and may indicate underlying moisture issues that could negatively impact the property.

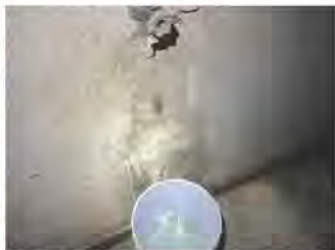
Limitations: We are not mold inspectors. Our inspection is not designed to confirm the presence or type of mold. Our observations were limited to what was visible at the time of the inspection, and no testing for mold was conducted.

Action: For a definitive assessment, we recommend consulting a certified mold remediation specialist for further evaluation and, if necessary, treatment of the affected areas.

[Click Here For More Information](#) / [Click here for a helpful link from the EPA](#) / [Click here for another helpful link from the EPA](#)



3065 1st Floor bathroom under sink



3065 Garage

2: ROOF

Information

General Roof: Roof Disclaimer Click Here For More Information	General Roof: OWNERS RESPONSIBILITY Click Here For More Information	Coverings (Flashing, Penetrations, Underlayment): Material Asphalt, Shingles
Coverings (Flashing, Penetrations, Underlayment): Multiple Layers? No	Coverings (Flashing, Penetrations, Underlayment): Inspection Method Ladder, Drone	Coverings (Flashing, Penetrations, Underlayment): Approximate Age In Years (Visual Only) 0-5 Click Here For More Information Click Here For More Information
Ventilation: Ventilation Type Soffit Vents, Box/Turtle Vents		

Observation: During the inspection, we identified defects in the floors, walls, and/or ceilings in one or more locations within the property.

Risk: Defects in these areas can affect the structural integrity, safety, and aesthetics of the property. Depending on the nature and severity of the defects, they may require attention to prevent further damage or deterioration.

Limitations: Our assessment was based on visual inspection. Some defects may be concealed or not immediately evident, and additional evaluation may be needed.

Action: We recommend consulting with a qualified contractor or specialist to assess the identified defects thoroughly, determine the underlying causes, and recommend appropriate repairs or renovations to ensure the integrity and safety of the property.

More... Aging properties often exhibit common issues like cracked walls, sloped floors, and misaligned doors. However, as property inspectors, **we are not structural engineers. It is advisable to consult a structural engineer for a professional assessment.**

[Click Here For More Information](#)

10.8.1 Stairwell(s)

INTERIOR: STAIRWELL DEFECT(S)

Loose Railing

Observation: During the inspection of the interior, we identified defect(s) in the stairwell area of the property.

Risk: Stairwell defects can pose safety hazards, potentially leading to trips, falls, or other accidents. Addressing these issues promptly is crucial to ensure the safety and usability of the stairwell.

Limitations: Our assessment focused on identifying defects visually. Further evaluation by a qualified contractor or specialist may be necessary to determine the extent and specific nature of the defects.

Action: We recommend consulting with a qualified contractor or specialist to assess and rectify the identified stairwell defects. Proper repairs or improvements are essential to ensure the safety and functionality of the stairwell area.

[Click Here For More Information](#)

 Moderate/Significant



3065 loose railing







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: March 28, 2024

Re: Special Use Petition SP2023-119

GENERAL INFORMATION

Applicant:
Houston DeFoe

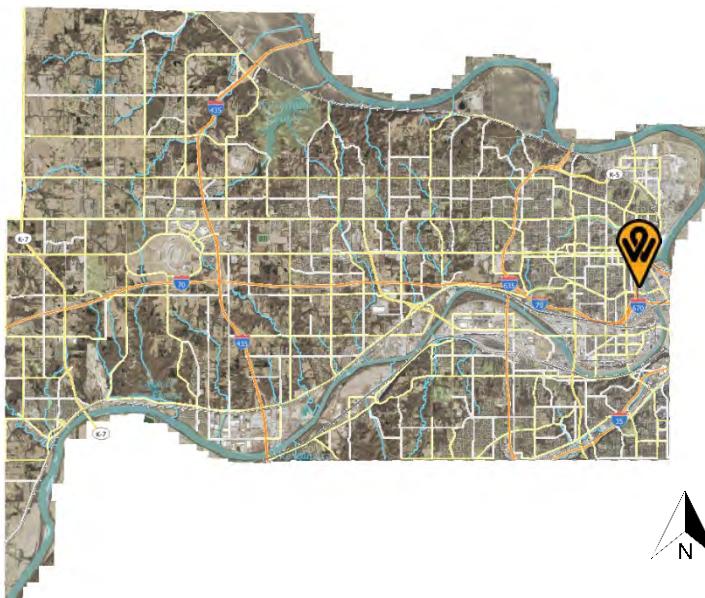
Status of Applicant:
Owner
Blue Palm LLC
204 Orchard Street
Kansas City, Kansas 66101

Requested Action:
Approval of a Special Use Permit.

Date of Application:
December 26, 2023

Purpose:
To approve a Special Use Permit to operate a short-term rental (2nd 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 Two Family Homes South: Single Family Homes East: Single Family Home and Interstate 70 West: Single Family Homes
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, town homes, 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 12/12/2016, 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 and January 31, 2024

Public Hearings:	March 11, 2024 and March 28, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Houston DeFoe, is requesting two (2) Special Use Permits at 204 Orchard Street. The first is to operate a short-term rental on the 2nd floor of the building. This would be the first and only short-term rental allowed on the 200 block of Orchard and Hallock Street. The second is to operate a drinking establishment and live entertainment on the 1st 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

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. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity. The proposed use is compatible if properly managed. 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 as a short-term rental conforms to the 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 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. The addition of a short-term rental may increase the demand for parking, however, there is room on the property for one (1) off-street space, which if reserved for the short-term rental should alleviate any parking concerns.

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 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, 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 the use 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 lodging, entertainment and gathering with some economic benefit. If denied, the landowner could not use the property as a short-term rental or 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.*

The proposed use presents the issue of overcrowding of land and undue concentrations of populations if not managed properly. For the short-term rental, the maximum number of guests at one time is six (6). The maximum number of vehicles off-street is one (1). There shall be no on-street parking for STR renters or guests. The applicant is also 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 (SP2023-120) for two (2) years in 2024 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 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-119, **for one (1) year**, subject to:

1. **The applicant shall provide proof of repair for all identified items in the home inspection. This petition will not be moved for publication or approved for subsequent business licenses until proof of repair has been provided to Staff;**
2. **All other items included in the home inspection not identified by Staff, shall be repaired prior to renewal of this Special Use Permit;**
3. **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;**
4. **Repair and maintain the brick sidewalk surrounding the bar;**

5. 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;
6. The applicant shall relocate the waste receptacle to allow for the driveway to be used as parking for the upstairs dwelling unit;
7. The applicant shall construct a screening fence for the waste receptacle that is six (6) feet tall;
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. 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. Maximum number of guests shall be six (6);
12. All parking must be off-street, maximum number of vehicles is one (1);
13. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
14. 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;
15. Applicant is to maintain liability insurance;
16. The property must remain in proper maintenance and free of hazards, pests, or infestations;
17. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
18. 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);
19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
20. 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;
21. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at the 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

22. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
26. 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;
27. 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;
28. 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;
29. 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;

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.

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 **SP2023-119** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 11, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map – January 17, 2024
Floor Plan
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	March 11, 2024	March 28, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-119** 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 **SP2023-119**, 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.

March 11, 2024, City Planning Commission Minutes:

Hearing starts at 1:12:48:

SPECIAL USE PERMIT APPLICATION SP2023-119 – HOUSTON DEFOE WITH BLUE PALM LLC - SYNOPSIS: Special Use Permit for a Short-Term Rental at 204 Orchard Street (upstairs). *Detailed Outline of Requested Action:* The applicant, Houston DeFoe, is requesting two (2) Special Use Permits at 204 Orchard Street. The first is to operate a short-term rental on the 2nd floor of the building. This would be the first and only short-term rental allowed on the 200 block of Orchard and Hallock Street. The second is to operate a drinking establishment and live entertainment on the 1st 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 March 11, 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

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:15:32: Planning Director Hand stated that the request is for a Special Use Permit for a Short-Term Rental above a drinking establishment, which was approved by the City Planning Commission and Board of Commissioners last month. The property is in the Central Area Plan. Staff has received no letters in support nor opposition. There were some small Notices of Violation that have been rectified. Staff recommends approval for one (1) year subject to the conditions in the staff report with the change from two (2) cars off-street to one (1) car off-street.

Motion starts at 1:17:03:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application**

SP2023-119 for one (1) year:

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

1. The applicant shall provide proof of repair for all identified items in the home inspection. This petition will not be moved for publication or approved for subsequent business licenses until proof of repair has been provided to Staff;
2. All other items included in the home inspection not identified by Staff, shall be repaired prior to renewal of this Special Use Permit;
3. 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;
4. Repair and maintain the brick sidewalk surrounding the bar;

5. 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;
6. The applicant shall relocate the waste receptacle to allow for the driveway to be used as parking for the upstairs dwelling unit;
7. The applicant shall construct a screening fence for the waste receptacle that is six (6) feet tall;
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. 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. Maximum number of guests shall be six (6);
12. All parking must be off-street, maximum number of vehicles is one (1);
13. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
14. 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;
15. Applicant is to maintain liability insurance;
16. The property must remain in proper maintenance and free of hazards, pests, or infestations;
17. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
18. 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);
19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
20. 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;
21. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at the 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

22. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
26. 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;
27. 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;
28. 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;
29. 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;

- 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.**

ATTACHMENTS

AERIAL IMAGERY



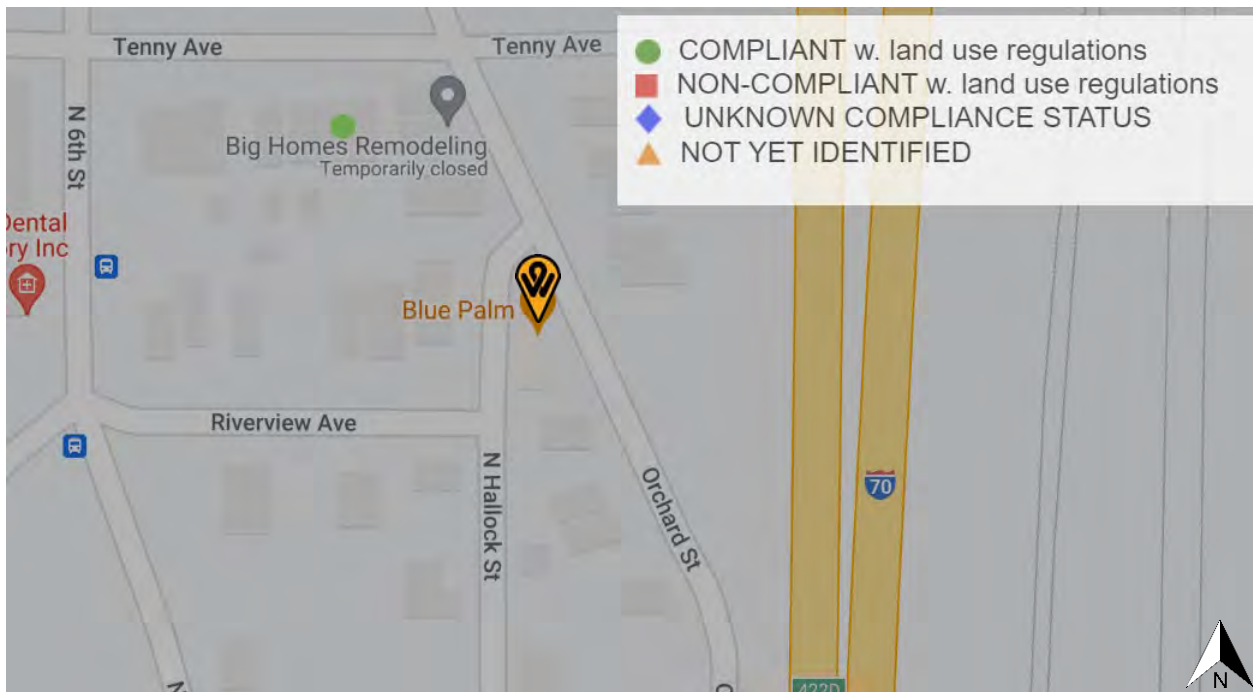
ZONING MAP



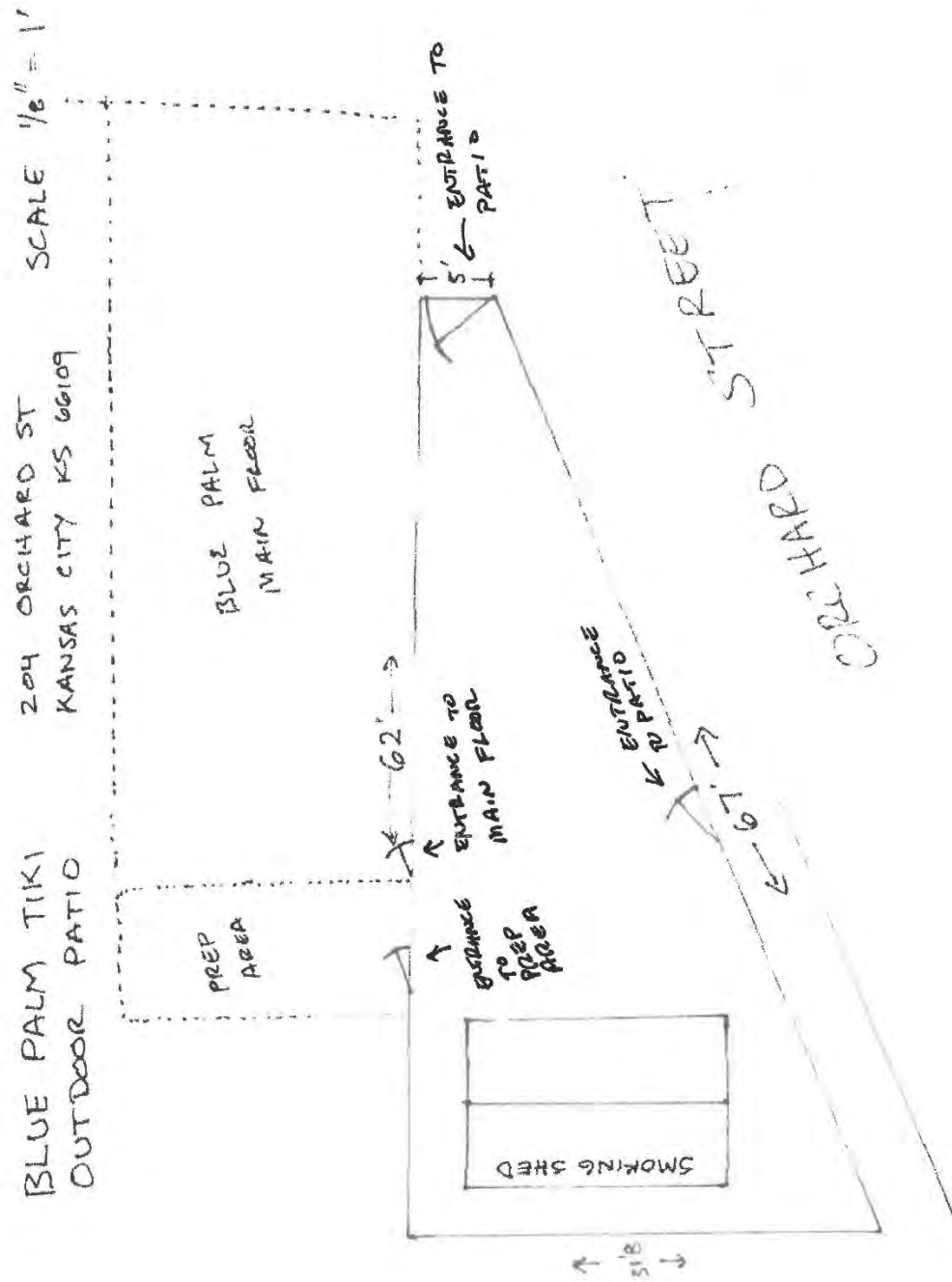
LAND USE MAP



HOST COMPLIANCE MAP – JANUARY 17, 2024



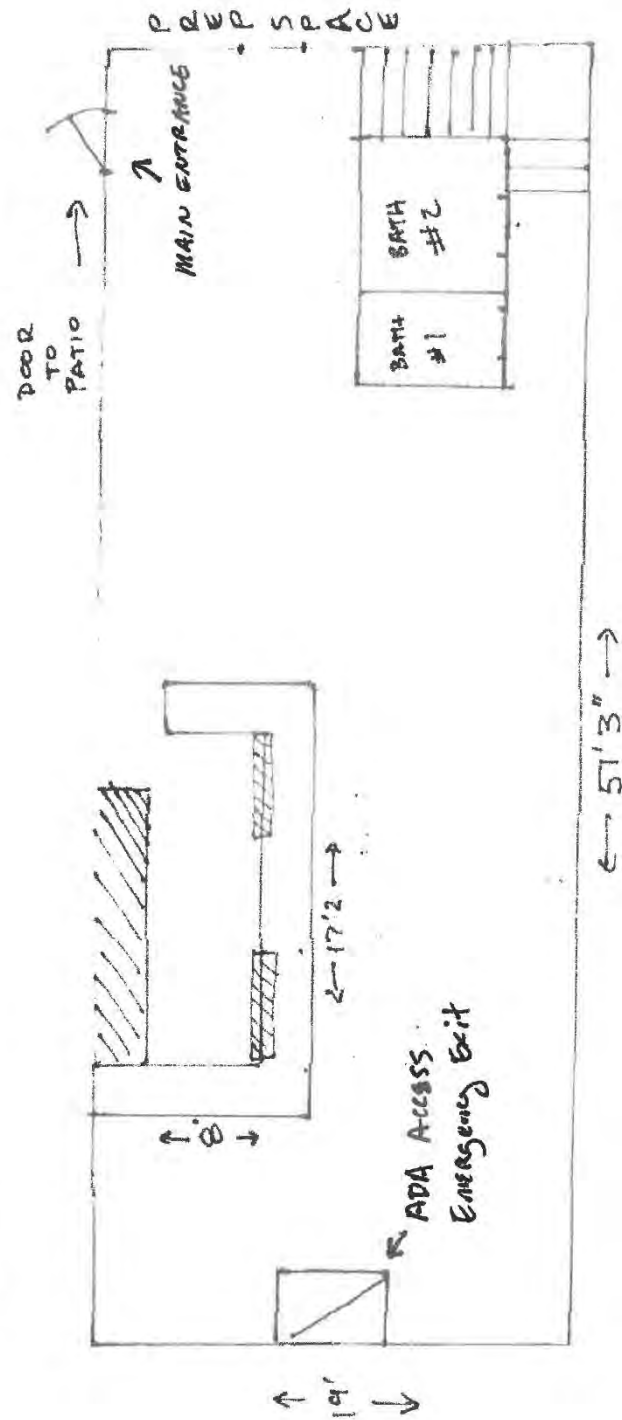
FLOOR PLAN



BLUE PALM TIKI 204 ORCHARD ST
 FIRST FLOOR KANSAS CITY KS 66109

E
 N ↗
 Scale 3/16" = 1'

← ALCOHOL STORAGE



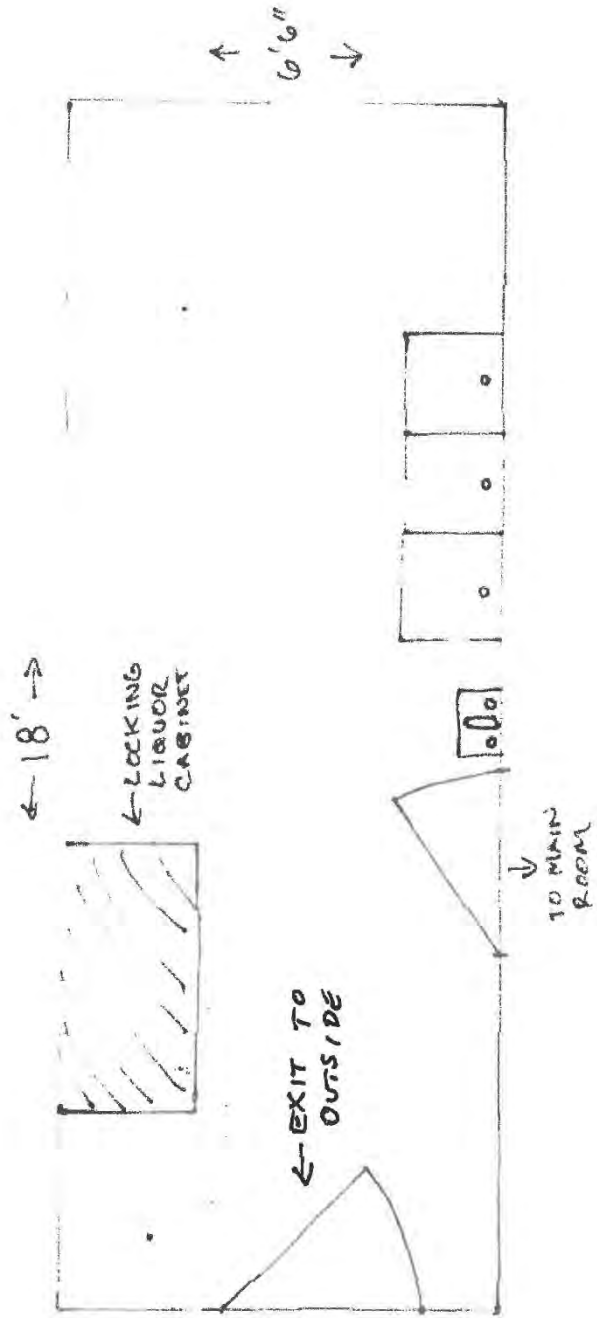
BLUE PALM TIKI
PREP SPACE
1st FLOOR - OFF MAIN ROOM

204 ORCHARD ST
KANSHS CITY, KS 66109

Scale $\frac{1}{2}'' = 1'$

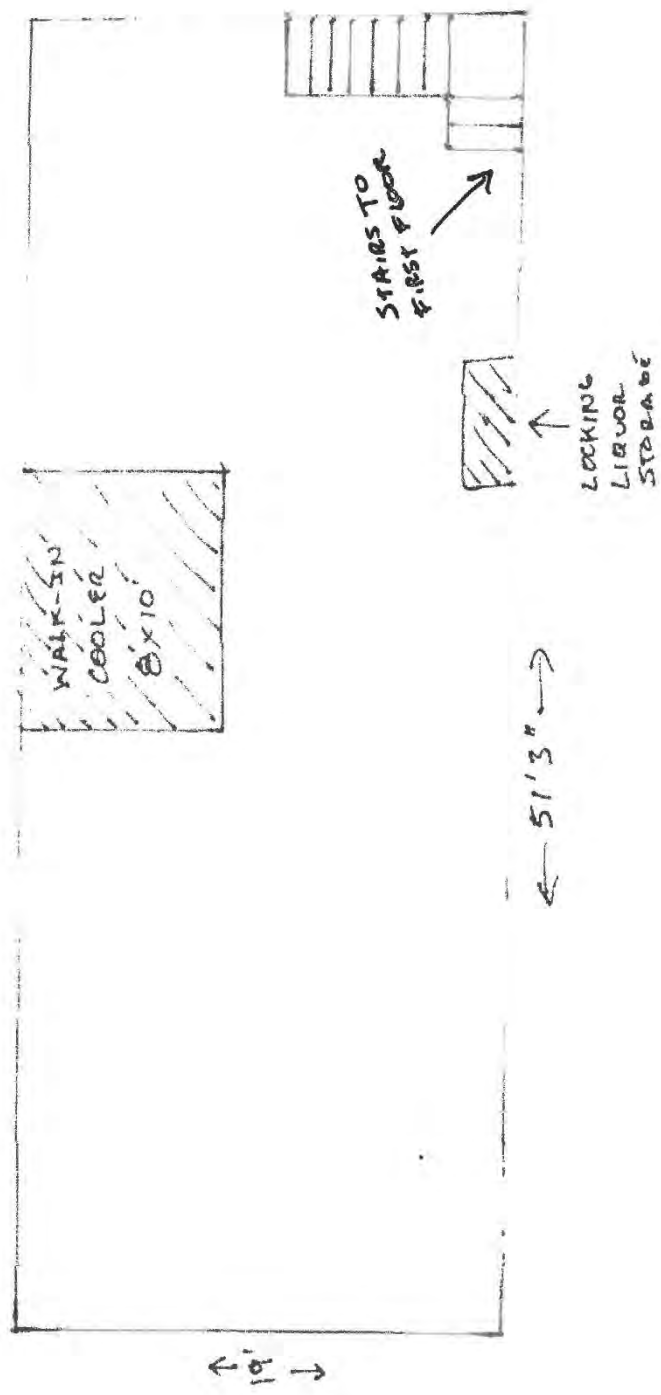
S
E

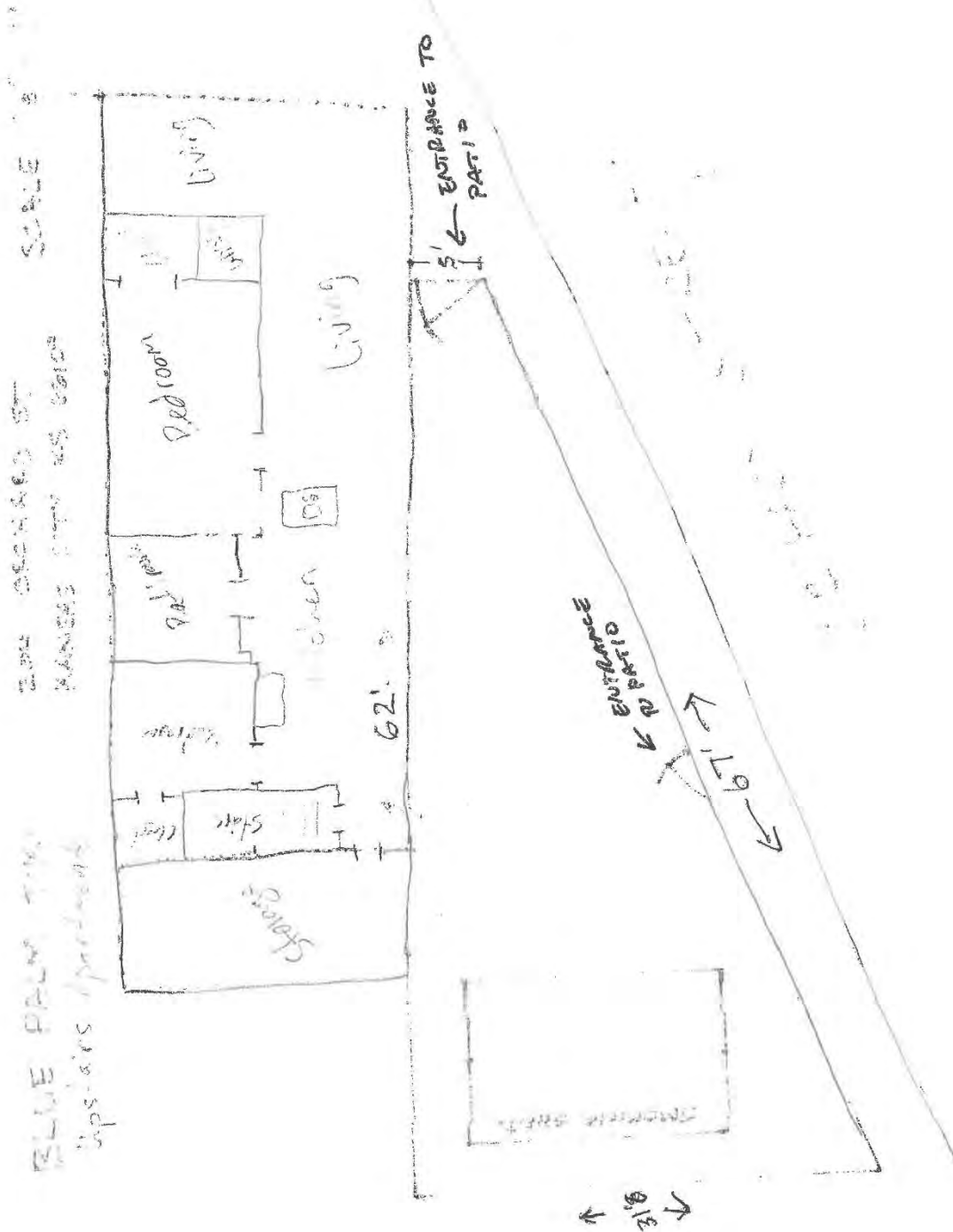
← ALCOHOL STORAGE



BLUE PALM TIKI
BASEMENT
204 ORCHARD ST
KANSAS CITY KS 64109

← ALCOHOL STORAGE





ELECTRICAL SYSTEM

ELECTRICAL SERVICE:

TYPE AND CONDITION: The type of electrical service present is an overhead type. The exterior meter appears serviceable. 240 Volt system present. Number of conductors for the service are three (3). The electrical meter service amperage to the structure is 200 Amps. Inspector did not observe conditions that lead us to believe problems exist with this part of the electrical system at the time of this inspection.



ELECTRICAL PANELS:

MAIN PANEL LOCATION AND NOTES:

Panel location is at the north bedroom wall. Main service disconnect inspected at: Main interior panel. The electrical service amperage at panel is 100 Amps.

PANEL NOTES:

Breakers were checked at the time of inspection by removing the panel cover and evaluating the panel interior. Improper screws used at the panel cover. Not the blunt tipped type. Electrical panel is not labeled. Article 408.4 of the NEC 408.4(A) of the 2017 National Electrical Code, every circuit in a circuit panel must be identified as to its specific purpose or use. Improper wiring inside the panel. The neutral wires are doubled at the neutral bar. The AC and dryer breakers are off at the panel. This inspector does not energize breakers that are turned off. Unprotected opening at the panel bottom. Arc fault breakers are not installed in panel for bedroom locations. It should be noted that although widely installed without arc fault breakers for bedroom locations in the past, this installation method is now considered improper by today's construction and NEC standards. The jurisdiction of The Unified Government may require updating. Verify this prior to closing. The exterior ground wire and rod are not present at the exterior below the meter. This service is outdated by today's safety standards. Upgrades are recommended for safety. Have a licensed electrician make further evaluation and complete all corrections as needed.



PANEL NOTES:

Multiple neutral conductors from separate branch or separate feeder circuits cannot be installed in the same neutral terminal. The requirement has generally been enforced in the past by a close review of the manufacturer markings and by NEC 110.3(B). Clause 12.3.10 of UL 67 (Panelboards) states, "An individual terminal shall be provided for the connection of each branch-circuit neutral conductor." A code change was accepted for the 2002 NEC that made it clear that each grounded conductor (neutral) must have its own terminal. The 2008 NEC 408.41 is the location of the rule.

PANEL NOTES:

Arc-fault circuit interrupters (AFCIs) have been on the market since about the year 2000. They differ from ground-fault circuit interrupters (GFCIs), which were introduced into the NEC in the 1960s. Where GFCIs are designed to protect people from shock if parts of an electric appliance or tool become energized due to a ground fault, AFCIs are designed to protect branch circuit wiring from arcing faults.

NFPA 70, National Electrical Code (NEC), first required AFCIs in the 1999 edition. Subsequent editions added locations which were required to be covered. 1999 NEC: Branch circuits serving dwelling unit bedrooms needed to be covered by AFCIs as of January 1, 2002. 2008 NEC: The use of AFCIs expanded to family rooms, dining rooms, living rooms, parlors, libraries, dens, sunrooms, recreation rooms, closets, hallways and similar rooms or areas. 2014 NEC: Kitchens and laundry areas to the list of required areas. The list has remained unchanged in the 2017 and 2020 editions of the NEC. The 2023 National Electrical Code (NEC) expanded the GFCI protection requirement. The 2023 NEC requires GFCI protection for all 125 V to 250 V receptacles in kitchens, regardless of their location or proximity to a sink. The 2023 NEC also

expands GFCI protection to include any cord- and plug-connected appliance in kitchens, not just on countertops. This would include the 120-volt receptacle at the range area.

CONDUCTORS:**ENTRANCE CABLES:**

The type of service entrance wiring are aluminum (240 volt Aluminum service entrance wiring is OK). Inspector did not observe conditions that lead us to believe problems exist with the electrical service entrance conductors.

BRANCH WIRING:

The type of branch wiring are copper. Inspector did not observe conditions that lead us to believe problems exist with the branch circuit wiring.

WIRING METHODS:

The type of wiring used is a romex type. Inspector did not observe conditions that lead us to believe problems existed with the electrical conductors.

WIRING NOTES:**CONDITION:**

Furnishings prevent testing of all outlets and switches. A representative sampling of switches and outlets was tested. The outlets and switches that were tested throughout the house. The inspection is a limited visual evaluation of the visible electrical system and components only. The inspection does not determine the presence of any electrical defects or damage inside the walls. Destructive tested and/or invasive evaluations are beyond the scope of this or any general inspection. Client must obtain this information and further evaluation by a qualified electrician at clients own expense. NOTE: All lighting systems that are on photo cells or dusk-til-down type are not part of this inspection and not inspected.

CONDITION:

Ground Fault Circuit Interrupter (GFCI) receptacles are recommended at the laundry area that are within 6 feet of the wet location area. The disposal is direct wired and the wiring for the dishwasher is not visible. Installation of separate GFCI receptacles below the kitchen sink for these appliances is recommended for safety at the metal sink. Improper wiring method noted at 120-volt receptacle at the range area. The wood wall base board covers the front of the receptacle, the receptacle is not GFCI protected and is missing the coverplate. Improper 50 Amp dryer receptacle noted at the laundry area. Loose receptacle at the east wall. Receptacles measured horizontally along the floor line of the north bedroom wall space are more than 6ft from a receptacle outlet at the north and south walls. Unsecured light fixture at the laundry room ceiling. Lights not operational and/or bulbs missing at the laundry room, furnace room and kitchen area. Replace bulbs and recheck each fixture prior to closing. Missing the metal cover plate at the service switch at the side of the furnace. Have a licensed electrician make further evaluation and complete all corrections as needed.

**CONDITION:**

50 Amp dryer receptacle.

INTERIOR

The condition of walls behind wall coverings, paneling and furnishings cannot be judged. Only the general condition of visible portions of floors is included in this inspection. As a general rule, cosmetic deficiencies are considered normal wear and tear and are not reported. Although it is possible the inspection may address some of the minor or more obvious deficiencies present, it is agreed and understood by the client that the report will not be an all inclusive list of every type of defect, cosmetic concern or routine maintenance issue at the property. Determining the source of odors or like conditions is not a part of this inspection. Floor covering damage or stains may be hidden by furniture. The condition of floors underlying floor coverings are not inspected. Determining the condition of insulated glass windows is not always possible due to temperature, weather and lighting conditions. Check with owners for further information. All fireplaces should be cleaned and inspected on a regular basis to make sure that no cracks have developed. Large fires in the firebox can overheat the firebox and flue liners, sometimes resulting in internal damage. Furniture, appliances, stored items, etc., are generally not moved for the inspection. As part of this inspection agreement, the client agrees to do a pre-closing walk through examination 24-72 hours prior to closing to insure all defects and/or damaged areas and all other items negotiated have been addressed per your sales agreement. The client's failure to do a pre-closing walk thru voids any further responsibility or consideration by this Inspection Company.

DOORS:

MAIN ENTRY DOOR:

The steel front door appears capable of being used. Daylight at the weather stripping. Adjust or replace as needed. The hardware is operational, but the lock should be changed upon possession. This is a safety concern - replacement is recommended for security reasons. The inspector did not observe conditions that lead us to believe problems exist with the entry door. NOTE: IRC 1010.1.2 Door swing. Egress doors shall be of the pivoted or side-hinged swinging type. Exceptions: 9. In other than Group E and H occupancies, manually operated horizontal sliding doors are permitted in a means of egress from spaces with an occupant load of 10 or less.

OTHER EXTERIOR DOORS:

Cosmetic damage noted at the door at the top of the stairs. Further evaluation and surface repairs are recommended.

INTERIOR DOORS:

Multiple doors need adjustments: Doors rub at the hall bath and south bedroom closet. Door won't latch at the laundry room. Missing the jamb plate and wood damage at the jamb. A qualified carpentry contractor should be called to make further evaluation and repair or adjust each as needed.

WINDOWS:

TYPE & CONDITION:

The type of windows installed are vinyl / dual pane/ insulated glass / tilt-in / double hung type of windows. Two of the six windows at the laundry room have broken hardware and will not stay in the tracks. As shown to the client. Make hardware repairs or improvements as needed for proper window operation for the safety of the occupants. Windows are fogged or sweating due to broken dual pane window seals at the south bedroom and at the north bedroom.



TYPE & CONDITION:

Anticipate the need to replace these windows in the future. A licensed window contractor should be called to make further evaluation for replacement cost, prior to the end of the inspection period.



SMOKE / FIRE DETECTOR:**COMMENTS:**

According to the 2018 International Building Code (IBC), exit signs are required in commercial, public, and multi-occupancy buildings, including residential areas above commercial buildings. Interconnected smoke alarms are required in residential areas above commercial buildings: (1) Interconnected alarms: Smoke alarms must be interconnected so that when one alarm is activated, all other alarms will sound. (2) Hardwired smoke detectors: The National Fire Protection Association (NFPA) recommends hardwired smoke detectors on every floor of a commercial building, including in every stairwell. (3) Smoke alarms in bedrooms: A hardwired smoke alarm is required in every bedroom. (4) Smoke alarms in hallways: A hardwired smoke alarm is required in the hallway with 15 feet of bedroom doors. (5) Smoke alarms outside sleeping areas: Smoke alarms must be installed outside each sleeping area. (6) Smoke alarms near stairways: Since the 1st floor level is a level without a bedroom, a detector must be installed near the stairway leading upstairs.

LAUNDRY:**LOCATION:**

The laundry area is located at south room at the 2nd floor.

**CONDITION:**

The supply plumbing is visible and appears serviceable. The water valve handles appear capable of being used. Inspector did not observe conditions that lead us to believe problems exist with the visible PVC drain plumbing. NOT water tested. Inspector did not observe conditions that lead us to believe problems exist with the 120-volt GFCI washer outlet. Ground Fault Circuit Interrupter (GFCI) receptacles are recommended at the laundry area that are within 6 feet of the wet location area. See the electrical page.



Laundry appliances are not tested or moved during the inspection and the condition of any walls or flooring hidden by them cannot be judged. Drain lines and water supply valves serving washing machines are not operated. Water supply valves may be subject to leaking if turned.

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:

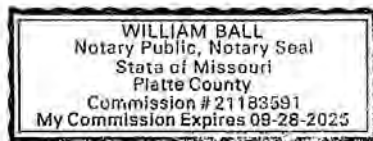
1. That I am the petitioner for Petition #SP2023-119 AND SP2023-120 - 204 ORCHARD STREET
2. That I conducted a neighborhood meeting on January 29th, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21 day of January, 2024
My commission expires 9 of 28, 2025.

[Signature]
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: March 28, 2024

Re: Special Use Petition SP2024-003

GENERAL INFORMATION

Applicant:
John Mann

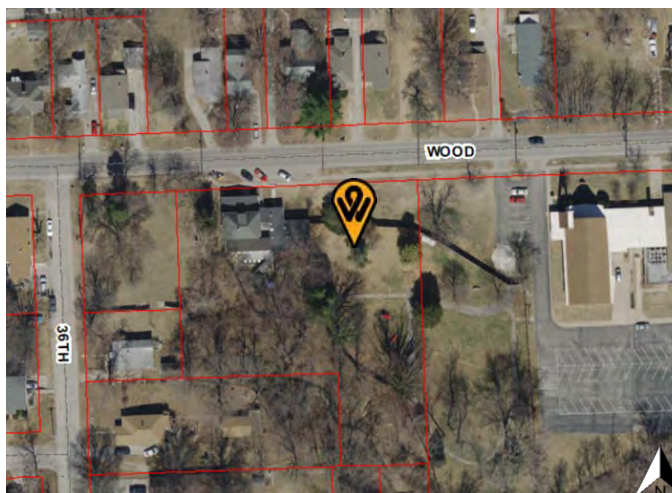
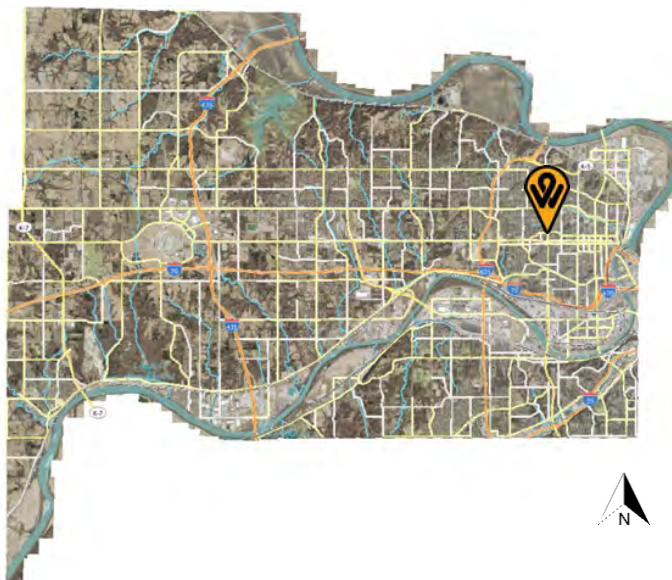
Status of Applicant:
Representative
Avenue of Life, Inc.
500 North 7th Street Trafficway
Kansas City, Kansas 66101

Requested Action:
Renewal of a Special Use Permit for
the operation of a group dwelling.

Date of Application:
January 26, 2024

Purpose:
To renew a Special Use Permit
(expires 06/04/2024) to continue to
operate a transitional housing facility
for homeless youth and young adults.

Property Location:
3535 Wood Avenue
Kansas City, KS 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 and RP-5 Planned Apartment District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-Family Residence South: Single-Family Residence East: Church, Single-Family Residences and Apartments West: Vacant Lot
Total Tract Size:	1.36 Acres
Master Plan Designation:	The Northeast Area Plan designates this property as Lower-Medium Density Residential. Lower-Medium Density Residential is intended to promote infill development and investment by allowing additional units compared to the Single-Family district, while preserving the overall character of existing neighborhoods.
Major Street Plan:	The goDotte Mobility Plan designates Wood Avenue as a Local Street.
Parking Requirement:	Group Dwellings are considered a special parking need; Sec 27-668(a)(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. Applicant is providing four (4) spaces; the rest are provided at Grace Lutheran Church, as shown in the "Attachments" section.
Advertisement:	<u>The Wyandotte Echo</u> – February 15, 2024 Letters to Property Owner – February 16, 2024
Public Hearings:	March 11, 2024 and March 28, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, John Mann of Avenue of Life, is seeking a renewal of a Special Use Permit (SP2022-023, which expires 06/04/2024) to continue to operate transitional housing at 3535 Wood Avenue. This housing is for homeless teens that are referred by the Kansas City, Kansas Public Schools USD 500, as well as young adults that identify as LGBTQ+.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. Under the management of Avenue of Life, there has only been one (1) police call for service.
2. 2021 – 2021-129426 – Criminal Damage less than \$1,000

Building, Zoning, or Code Enforcement Complaints:

1. There is one (1) active outstanding violation recorded at this property. The subject property has been previously cited by Property Maintenance Compliance:
2. 2022 - PMZ22-0007 – Over height fence on the property. The fence in question, however, was granted a variance on July 7, 1980 (BZA #1187).
3. 2020 – 20200-01415 – Code Environment
4. 2019 – 19200-01964 – Code Environment

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Northwest Statistical Neighborhood and The Kensington Community Neighborhood Group. The neighborhood is comprised of a diversity of housing types, including single-family homes, duplexes, and apartments, as well as a church. The proposed use is compatible with the adjacent uses if managed and maintained properly.

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

The zoning and adjacent uses are set out above. The current zoning only allows for a single-family home and a single dwelling on the parcel; however, this property has been used as a transitional youth living since 2016.

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

The removal of restrictions could detrimentally affect nearby property, however, as long as the operation is managed properly and all conditions are adhered to, the proposed use would continue be an asset for the community.

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

The property has been in operation since late 2019. The property had previously been vacant between 2018 and 2019 following the Blue Door Transitional Living ceasing operation.

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

The Northeast Area Plan, nor the PlanKCK Comprehensive Plan address Special Use Permits. The Northeast Area Plan designates this property as Lower-Medium Density Residential, which is intended to promote infill development and investment by allowing additional units compared to the Single-Family district, while preserving the overall character of existing neighborhoods. This use is compatible with the designation set for it by the Northeast Area Plan, as it would be an increase of density in a traditionally 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.*

This is an existing use and should not lead to an increase in traffic to the point where it exceeds the capacity of Wood Avenue, a Local Street. There is the potential for parking to become an issue, as the facility only provides four (4) parking spaces, however, the facility has an existing parking agreement with Grace Lutheran Church.

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 necessary for the convenience and welfare of the public. The use will provide housing and other services for homeless teens and if managed properly can be a continued asset for the Kansas City, Kansas community. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as long as the conditions of approval are met, and the operation 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 are typical issues of this type of use, however, if managed properly, noise should not be a major issue, and lights can be affixed and dimmed with 90-degree cutoffs.

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

The proposed use should not pollute the air, land, or water as it is located in an existing, built out residential area.

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 in an existing, built-out residential area.

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 significant. There is a great need for housing and care for homeless teens in Kansas City, Kansas. This facility provides services for teens that many other programs do not. Avenue of Life. A denial of this application would cause for the applicant to relocate or shut down this service, which would be a detriment to the homeless teen population.

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

The proposed use will not result in undue concentrations of population, as long as occupancy requirements are met, and the operation does not increase beyond capacity. There is the potential for the overcrowding of land, particularly parking, as the facility currently only offers four (4) parking spaces, which could lead to overflow parking on Wood Avenue.

PREVIOUS ACTIONS

- Approved for a Special Use Permit in 2016 (SP-2016-37) for two (2) years.
- Approved for a Special Use Permit in 2018 (SP-2018-49) for two (2) years.
- Approved for a Special Use Permit in 2019 (SP-2019-100) for two (2) years.
- Approved for a Special Use Permit in 2022 (SP2022-023) for two (2) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting February 26, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Access Agreement
Illumination
Noise
Occupants at a time
Parking
Parking Agreement
Safety and Security
Screening
Staffing

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-003, **for five (5) years**, subject to:

1. **Outside guests are not permitted to randomly visit the property without prior authorization by Avenue of Life. The residents of Avenue of Life are allowed visitors that are cleared by the resident's case manager;**
2. **The building shall be staffed by Avenue of Life 24 hours a day, seven (7) days a week;**
3. **Maximum number of guests shall not exceed thirty (30) at any point. The average total number of guests range between six (6) and eight (8);**
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 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. No flood lights are allowed;**
6. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e. change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit,**

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

7. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
8. 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;
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. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
12. 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 **SP2024-003** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 11, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Description of Operation
Floor Plan
Parking Agreement with Grace Lutheran Church
Variance #1187 for Fence Height – Dated July 7, 1980
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated February 9, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 11, 2024	March 28, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-003** 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 **SP2024-003**, 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.

March 11, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-003 – JOHN MANN WITH AVENUE OF LIFE – SYNOPSIS: Renewal of a Special Use Permit (SP2022-023, expires 6/2/2024) to continue to operate transitional housing for youth at 3535 Wood Avenue. Detailed Outline of Requested Action: The applicant, John Mann of Avenue of Life, is seeking a renewal of a Special Use Permit (SP2022-023, which expires 06/04/2024) to continue to operate transitional housing at 3535 Wood Avenue. This housing is for homeless teens that are referred by the Kansas City, Kansas Public Schools USD 500, as well as young adults that identify as LGBTQ+.

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 March 11, 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 Permit; 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 (No one responded in the affirmative).

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

Carson	Chairman
Schwartz	Aye
Straws	Aye
Ward	Not Present
Armstrong	Aye
Beth	Aye
Easterwood	Aye

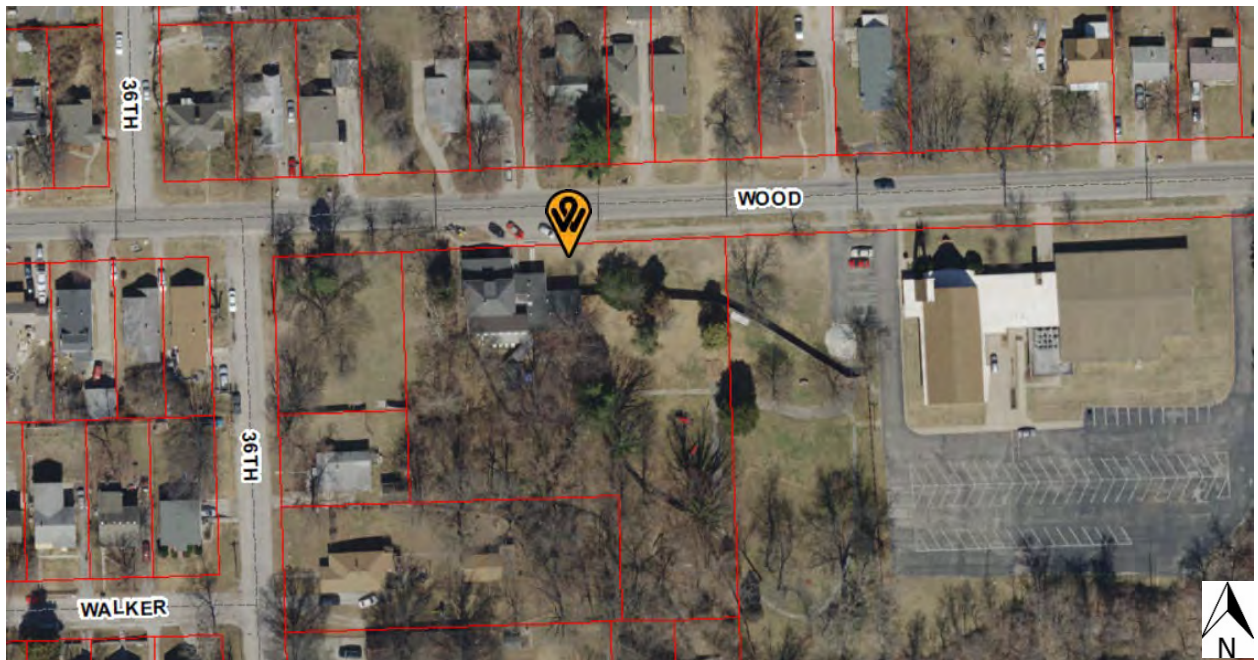
Ernst Aye
Jones Aye
Miller Aye
Mohler Aye
Motion to **APPROVE** Passed: 9 to 0
Subject to:

1. Outside guests are not permitted to randomly visit the property without prior authorization by Avenue of Life. The residents of Avenue of Life are allowed visitors that are cleared by the resident's case manager;
2. The building shall be staffed by Avenue of Life 24 hours a day, seven (7) days a week;
3. Maximum number of guests shall not exceed thirty (30) at any point. The average total number of guests range between six (6) and eight (8);
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 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. No flood lights are allowed;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e. change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
8. 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;

- 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. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,**
- 11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 12. 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



DESCRIPTION OF OPERATION



Lion House Program- Youth House

Location: 3535 Wood Ave

Hours: 24/7 qualified staff on premises at all times

Resident Curfews: Sun-Thurs 10pm and Fri/Sat 12am ALL residents are inside until 6am unless prior approval with waiver (ie work/medical)

Staff: House Lead: Melissa H., Director of Programs- Melissa W., Executive Director of OSKC- Star P. Full staff to include all salary/PRN/PT 9 other qualified/fully trained staff.

Max Occupancy: 16 youth/2 adults, with average being about 8 residents.

Eligibility Requirements: Unhoused LGBTQ+ residents in the KC-metro area that are 18-24 and 16-24 if they are unaccompanied students involved with Impact KCK partner program provided by Avenue of Life.

Length of stay: Residents/Staff customize sustainability and housing plan to meet each individual's needs/goals. This can range from days/months-2 years max.

Program: We provide 3 meals per day, residents have meetings, daily chores, personal laundry/overall cleanliness requirements while in the program. They also have access to full wraparound services through case management workers and resource partners, alongside life skills programming and house meetings that they are required to engage in. Residents are required to be making forward progress on their individual case plan in regards to school or employment, follow all program policies and procedures to ensure the residence remains safe for everyone.

500 N.7th St. Kansas City, KS

FLOOR PLAN

3535 WOOD AVENUE
KANSAAS CITY, KS 66102

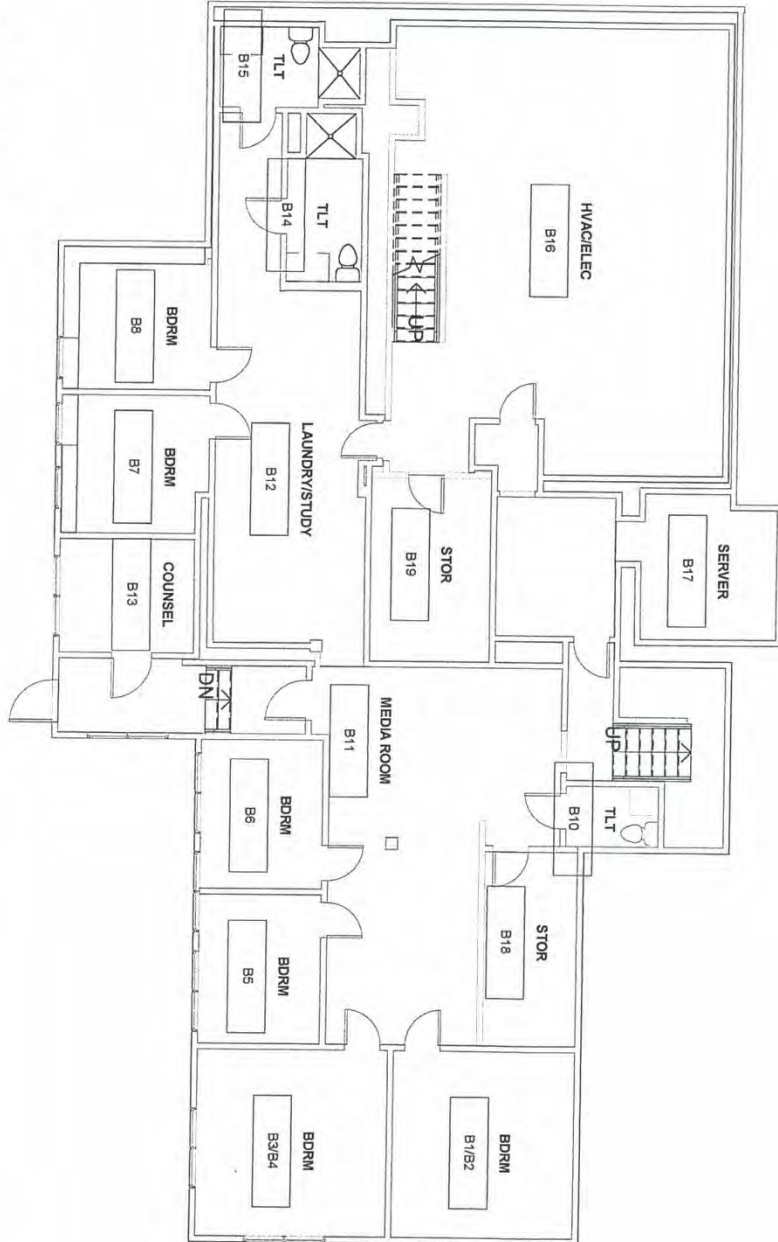
AVENUE YOUTH HOUSE

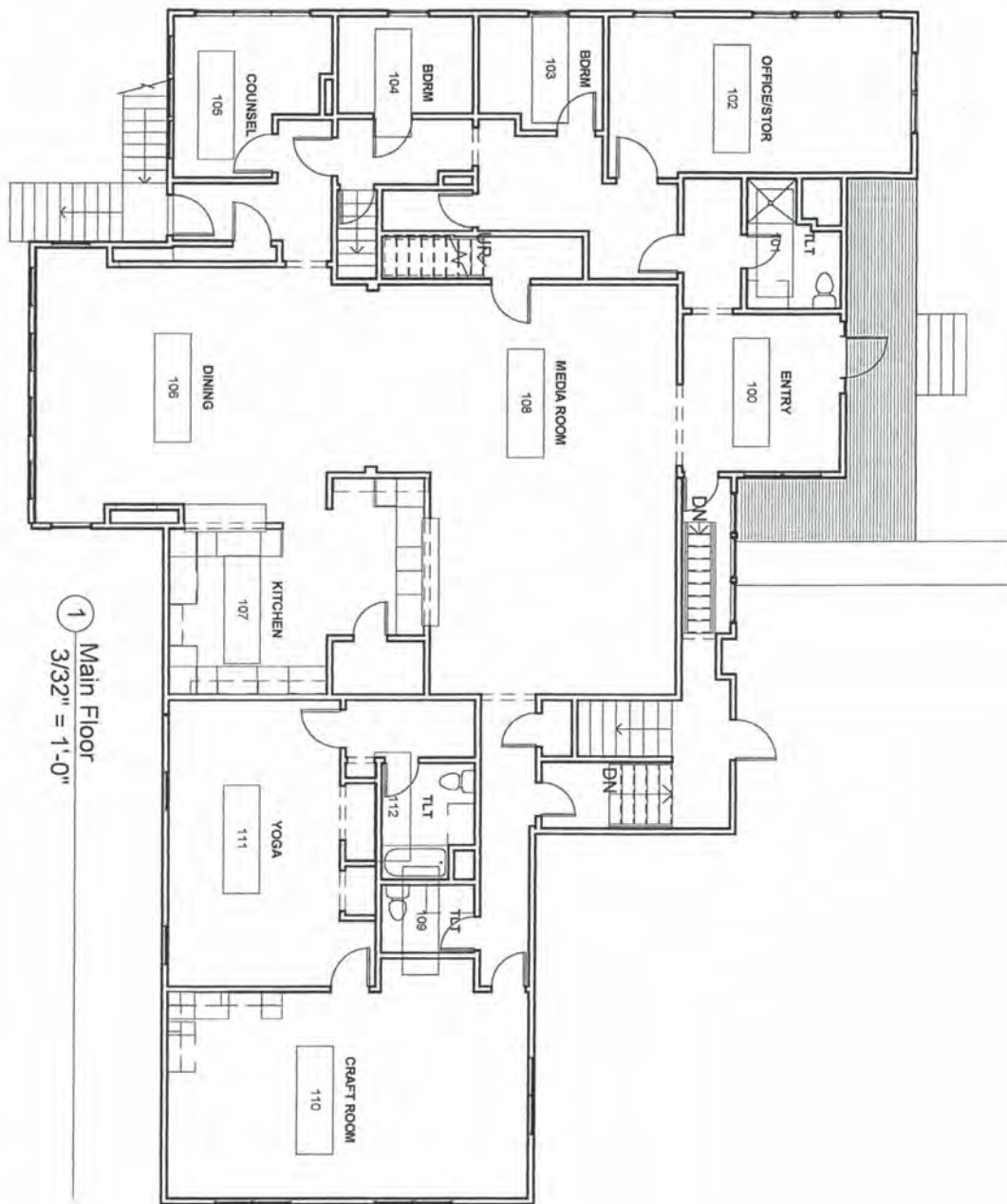
BASEMENT FLOOR

TRAN+THOMAS
DESIGN STUDIO

05/15/19

1 Basement Floor
3/32" = 1'-0"





1 Main Floor
3/32" = 1'-0"

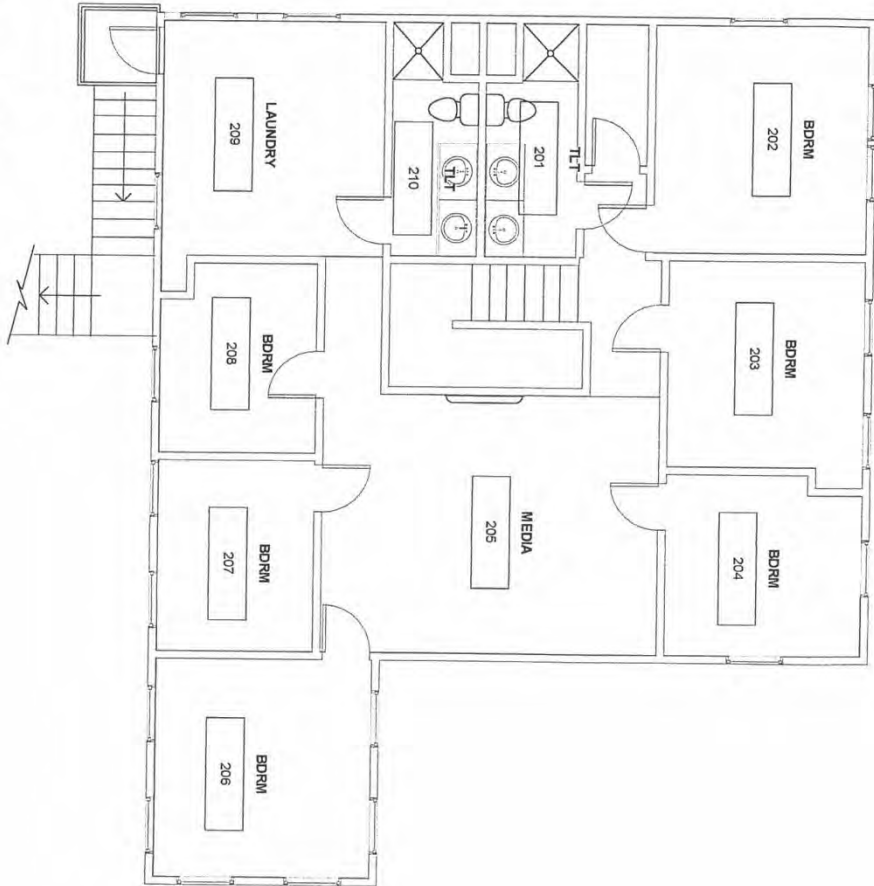
AVENUE YOUTH HOUSE

MAIN FLOOR

3535 WOOD AVENUE
KANSAS CITY, KS 66102

TRAN+THOMAS
DESIGN STUDIO

05/15/19



1 Second Floor
1/8" = 1'-0"

AVENUE YOUTH HOUSE

3535 WOOD AVENUE
KANSAS CITY, KS 66102

TRAN+THOMAS
DESIGN STUDIO

SECOND FLOOR

05/15/19

PARKING AGREEMENT WITH GRACE LUTHERAN CHURCH

SHARED PARKING AGREEMENT

This Shared parking agreement is written confirmation of a verbal agreement entered into May 24th, 2019 by Grace Lutheran Church and between Avenue of Life, Inc.

Grace Lutheran Church agrees to allow Avenue of Life staff, volunteers, and residents to use the church's parking lot for parking. In return Avenue of Life will mow and maintain the yard within the fence line of 3337 Wood Avenue. This agreement will be in effect for five (5) years from the beginning of the agreement.

Avenue of Life agrees to utilize only the South parking lot (labeled B on the map) of Grace Lutheran Church (3333 Wood Ave. Kansas City, KS) during church services ^{to ensure} ~~to ensure~~ *OR OTHER CHURCH EVENTS* parishioners have unfettered access. But, Avenue of Life is free to utilize the West parking lot (labeled A on the map) as well as the South parking lot on other days of the week.

Grace Lutheran Church

Name: P. BRUNNER

Title: PRES - PRO-TEM

Signed: P. Brunner

Date: 8-25-19

Avenue of Life

Name: CAMERON ELLANDSON

Title: COO/OPERATIONS DIRECTOR

Signed: [Signature]

Date: 8/21/19



VARIANCE #1187 FOR FENCE HEIGHT – DATED JULY 7, 1980

APPEAL NO. 1187

of the Monastery of St. Michael -- a Copy
NOTICE OF APPEAL

1. Mother Jacinta, Prioress the owner of the following described
real estate situated within the limits of the City of Kansas City, Kansas,
to wit:

.....3535 Wood Avenue, Kansas City, KS. 66102 &.....

..... 3337 Wood Avenue " " "

hereby notify the Board of Zoning Appeals and the building inspector that I appeal from the ruling of the building inspector made on the 2nd.....day ofJune....., 1980..... and that I desire to be heard and present my facts and evidence to the Board of Zoning Appeals as provided by Ordinance No. 32282 (Zoning) and such appeal is taken by me for the following reasons, to-wit:

We would request a variance on the fence height, to allow

the extension of our present fence to enclose a portion of

the property at 3337 Wood... at the height of 10 feet.

The names and Addresses of record owners of adjoining property are listed below: 3548 D. A. Rutter

...3.3.3.3. Wood - Grace Lutheran Church Fair Point

3490 15" 0/0

3480 FILED *Business M. Harrell*

3496 - JUN 5 - 1980 (D) Ramona Ramiro

DAVID T. ISAAC *Smith* 3552-1010

3494 - Mrs. J. Clerk *Mathis Jacinta O.C.D.*

3500 - Great Z Dandelion
3500 - B.C. Process

3502 Richard L. G. [unclear]

Filed with Board of Zoning Appeals..... June 4, 1980

Filed with building inspector June 5, 1980

Notice of hearing posted July 7, 1980

Record received from building inspector June 6, 19.80

We, the Board of Zoning Appeals, REVERSE . . . the decision of the
(reverse or affirm)
building inspector for the reason contained in the attached report and order.

that a permit be issued.

..... (a or no)
 *Devin J. Duhall* Secretary. DONALD RILINGER Chairman

Dated July 11, 1980

APPEAL NO. 1187 - - MONASTERY OF ST. MICHAEL,
MOTHER JACINTA, PRIORESS

3535 and 3337 Wood Avenue, Kansas City, Kansas

On the 7th day of July, 1980, before Mr. Donald Buinger, Chairman, Mr. Vernon Briscoe, and Mr. Julius Novak, sitting as the Board of Zoning Appeals, comes on to be heard the appeal of the Monastery of St. Michael, Mother Jacinta, Prioress, for a variance in the planning and zoning regulations on property located at 3535 and 3337 Wood Avenue, Kansas City, Kansas; Mr. Frank Grimaldi, Architect, appearing in person on behalf of the appellant; no other persons appearing either in favor of or in opposition to said appeal.

After considering the reasons for the appeal, as shown by the Notice of Appeal, the reasons given by the Building Inspector for refusing to issue a permit, and after hearing the evidence and testimony presented at the hearing, the Board of Zoning Appeals finds that there are sufficient grounds to grant the appellant variances as requested to enable the Monastery to repair and extend an existing fence which is ten (10) feet in height, thereby granting appellant a variance of four (4) feet in the side and rear yard and a variance of six (6) feet in the front yard. Therefore, on motion by Mr. Briscoe, seconded by Mr. Novak, Mr. Buinger concurring, Appeal No. 1187 is hereby allowed.

THEREFORE, the decision of the Building Inspector in refusing to issue a permit to the Monastery of St. Michael to repair and extend an existing fence, which is ten (10) feet in height, on the property at 3535 and 3337 Wood Avenue, Kansas City, Kansas, is hereby reversed, and the appellant is hereby granted a variance of four (4) feet in the side and rear yard and a variance of six (6) feet in the front yard; provided, however, that the appellant comply in all other ways with the zoning ordinances and the Building Code of Kansas City, Kansas, and the Building Inspector is hereby authorized to issue a permit.

Donald Buinger, Chairman
Robert Serra, Vice Chairman
David L. Lewis
Earl Ross
Dr. Patricia Caruthers
Vernon Briscoe
Julius Novak

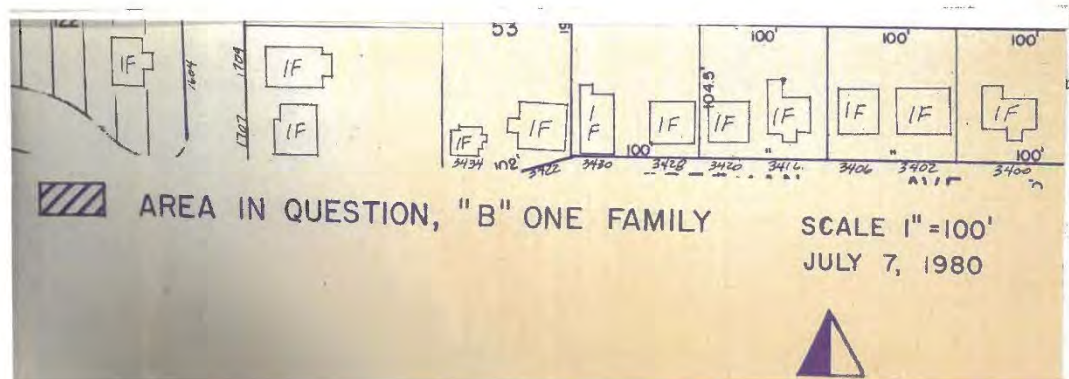
BOARD OF ZONING APPEALS

By 
Doris J. Juhl, Secretary

June 6, 1980

Mother Jacinta is requesting a variance of fence height so as to extend the 10 foot fence already existing on to property at 3337 Wood. This will be an extension of an already existing 10foot high fence at 3335 Wood. This 10 foot high fence would be in violation of Sec. 13-3 (1)

Robert P. Davis Sr.



(Published _____)

NOTICE

Notice is hereby given that the Board of Zoning Appeals of Kansas City, Kansas, will hold a public hearing on the 7th day of July, 1980, at 4:00 o'clock p.m. in the City Commissioners' Room in the Lobby of the Municipal Office Building, One Civic Center Plaza, Kansas City, on the appeal of Mother Jacinta, Prioress of St. Michael Monastery, for a variance in the planning and zoning regulations on property located at 3535 and 3337 Wood Av. Kansas City, Kansas.

The appellant is requesting a variance in fence height in order to extend an existing ten (10) foot fence on the property to enclose a portion of the property at 3337 Wood, Kansas City, Kansas. The Building Inspector refused to issue a permit for the reason that the proposed fence of ten (10) feet in height would be in violation of Section 13-3(1) of the Code of Ordinances, City of Kansas City, Kansas, relative to specifications for fences in certain zoning districts.

All persons interested in said premises, and all persons owning property in said neighborhood who desire to be heard, either for or against such appeal, are invited to appear at the time and place above mentioned.

BOARD OF ZONING APPEALS

BY: Donald Buinger
Chairman

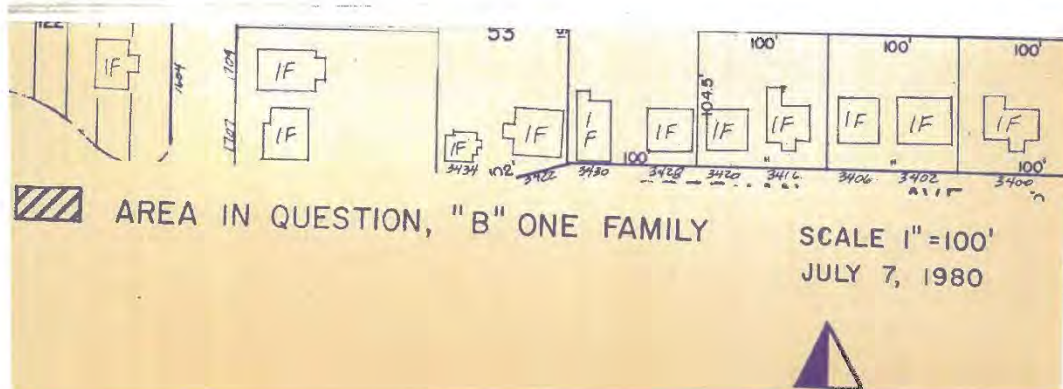
PUBLIC NOTICE
Published June 13, 1980
NOTICE

Notice is hereby given that the Board of Zoning Appeals of Kansas City, Kansas, will hold a public hearing on the 7th day of July, 1980, at 4:00 o'clock p.m. in the City Commissioners' Room in the Lobby of the Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas, on the appeal of Mother Jacinta, Prioress of St. Michael Monastery, for a variance in the planning and zoning regulations on property located at 3535 and 3337 Wood Avenue, Kansas City, Kansas.

The appellant is requesting a variance in fence height in order to extend an existing ten (10) foot fence on the property to enclose a portion of the property at 3337 Wood, Kansas City, Kansas. The Building Inspector refused to issue a permit for the reason that the proposed fence of ten (10) feet in height would be in violation of Section 13-3(1) of the Code of Ordinances, City of Kansas City, Kansas, relative to specifications for fences in certain zoning districts.

All persons interested in said premises, and all persons owning property in said neighborhood who desire to be heard, either for or against such appeal, are invited to appear at the time and place above mentioned.

BOARD OF ZONING APPEALS
Donald Buinger
Chairman





CITY OF KANSAS CITY, KANSAS

BOARD OF ZONING APPEALS

June 19, 1980

Notice is hereby given that the Board of Zoning Appeals of Kansas City, Kansas, will hold a public hearing on the 7th day of July, 1980 at 4:00 o'clock p.m., in the City Commissioners' Room in the Lobby of the Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas, on the appeal of Mother Jacinta, Prioress of St. Michael Monastery, for a variance in the planning and zoning regulations on property located at 35 and 3337 Wood Avenue, Kansas City, Kansas.

The appellant is requesting variance in fence height in order to extend an existing ten (10) foot fence on the property to enclose portion of the property at 33 Wood, Kansas City, Kansas. The Building Inspector refused to issue a permit for the reason that if proposed fence of ten (10) feet height would be in violation of Section 12-31(1) of the Code of Ordinances, City of Kansas City, Kansas, relative to specifications for fences in certain zoning districts.

All persons interested in said premises, and all persons owning property in said neighborhood who desire to be heard, either for or against such appeal are invited to appear at the time and place above mentioned.

BOARD OF
ZONING APPEALS

*Donald Bunker
Chairman

Mother Jacinta
Prioress
St. Michael Monastery
3535 Wood Avenue
Kansas City, Kansas 66102

Re: Appeal No. 1187.

Dear Mother Jacinta:

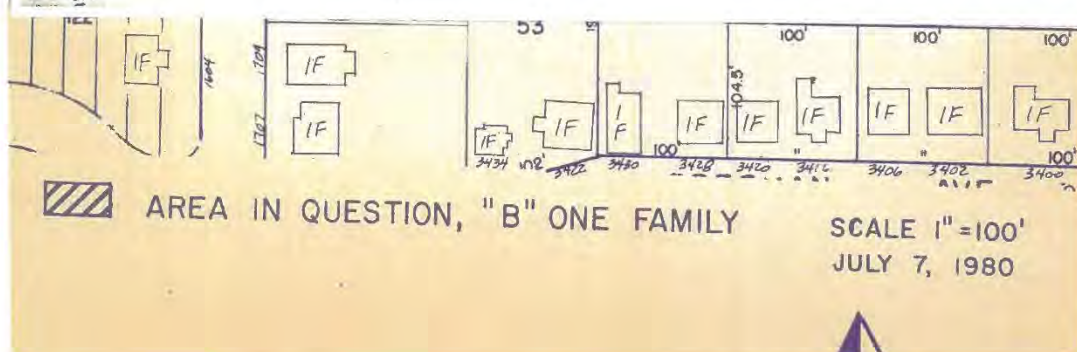
The appeal which you filed on behalf of St. Michael Monastery for a variance in the planning and zoning regulations on property located at 3535 Wood Avenue, Kansas City, Kansas, has been advertised for public hearing before the Board of Zoning Appeals on Monday, the 7th day of July, 1980, at 4:00 o'clock p.m., in the City Commissioners' Room located in the Lobby of the Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas. A copy of the notice as published is attached hereto.

You are hereby notified to be present, either in person or by attorney or agent, to explain your case.

Very truly yours,

Doris J. Juhl
Doris J. Juhl
Secretary

J.



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
SS:
COUNTY OF Wyandotte

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

1. That I am the petitioner for Petition #SP2024-003.
2. That I conducted a neighborhood meeting on 2-22-24.
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.

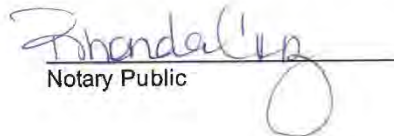
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of February, 2024.

My commission expires 16th of September 200, 2024




Notary Public



Minutes

Youth House Planning Commission Meeting

DATE February 22, 2024,

TIME 6:00 p.m.

MEETING CALLED TO ORDER BY John Mann

IN ATTENDANCE

John Mann, Bernetta Martin, Starzette Palmer

REPORTS

Planning committee report:
Business

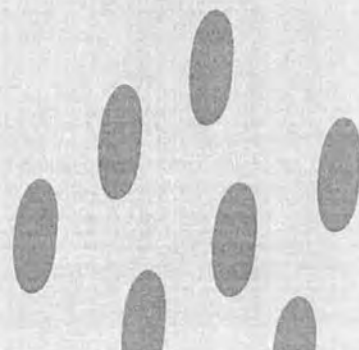
- The meeting started at 6:00 p.m. and ended at 6:35 p.m. No other attendees attended the meeting. Therefore, no questions or concerns

ANNOUNCEMENTS

No announcements

NEXT MEETING

March 11, 2024, at 6:30 p.m. via Zoom





Date: 2-8-24

SUBJECT: Neighborhood Meeting

Avenue of Life has reapplied with the Planning + Urban Design Department to reissue our special use permit #SP2024-003. The purpose of this special use permit is for transitional housing for homeless youth at 3535 Wood Ave Kansas City, KS 66102. We've operated the youth house at this address for several years and have provided housing to many homeless youth. We do not have any foreseeable changes to our program. We hope to continue this program at this address as it has made a positive impact in Wyandotte County.

We are hosting a virtual neighborhood meeting via Zoom on Thursday, February 22nd at 6 p.m. Please visit the following web address to join the meeting www.avenueoflife.org/meet.

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 us at the phone number/email listed below.

Sincerely,

John Mann
Director of Communications
Avenue of Life
john.mann@avenueoflife.org
816-787-6101

MEETING SIGN-IN SHEET

Project:	Youth House Planning Commission Meeting	Meeting Date:	2/23/2024
Facilitator:	John Mann	Place/Room:	Teams Meeting

[illegible]

SITE PHOTOS, TAKEN BY STAFF, DATED FEBRUARY 9, 2024







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: March 28, 2024

Re: Petition VAC2024-001

GENERAL INFORMATION

Applicant:
Daryl Rakoski

Status of Applicant:
Representative
Premium Builders, LLC
12525 Leavenworth Road
Basehor, Kansas 66109

Requested Actions:
Approval of a utility easement vacation.

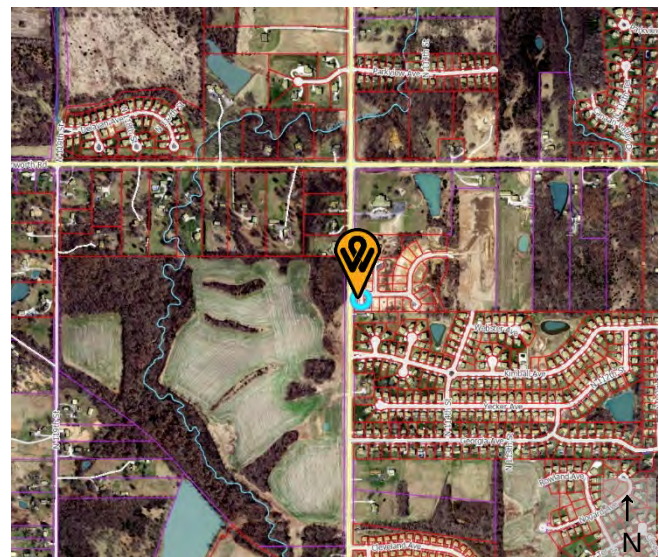
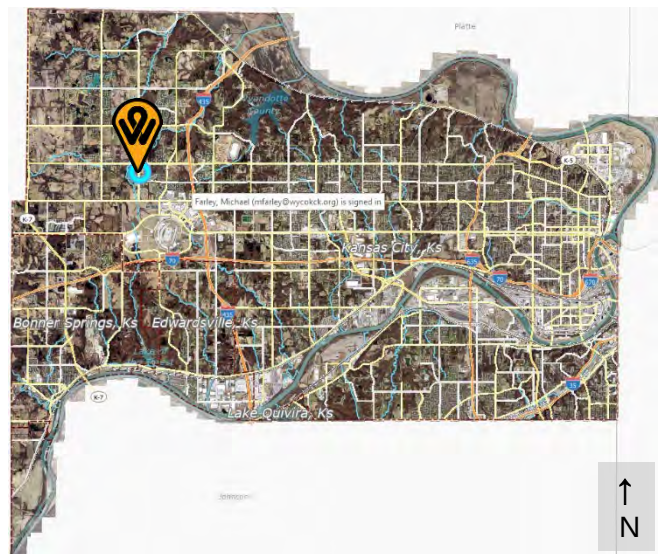
Date of Application:
January 26, 2024

Purpose:
To vacate a utility easement within a single-family residential parcel.

Property Location:
11471 Webster Avenue
Kansas City, Kansas 66109

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

Existing Zoning:
R-1 Single Family District



Adjacent Zoning:	North: R-1 Single Family District South: A-G Agriculture District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-family residence; Subdivision common space South: Single-family residence East: Single-family residence West: Subdivision common space
Total Tract Size:	0.20 Acre
Comprehensive Plan Area:	The subject property is within the Prairie-Delaware-Piper Area Plan.
Comprehensive Plan Designation:	The Prairie-Delaware-Piper Area Plan designates this property as Planned Suburban Residential. The Planned Suburban Residential Land Use District is primarily intended for single-family, detached residential units on what are typically referred to as quarter-acre (1/4) lots. Generally, these subdivisions will develop with three (3) to four (4) units per acre. Suburban density development should be primarily located between Leavenworth Road and the more intense commercial, industrial and entertainment uses south of Parallel Parkway. This would create an edge between the mixed-use village center and the high intensity activities around the motor speedway recommended north of Donahoo Road.
Major Street Plan:	The GoDotte Countywide Mobility Strategy classifies Webster Avenue as a Local/Neighborhood Street. The GoDotte Countywide Mobility Strategy classifies North 118th Street as a Minor Arterial.
Required Parking:	Section 27-454(e) requires two (2) off-street parking spaces on the premises of each single-family dwelling, at least one (1) of which shall be in a garage or carport. The subject property is currently undeveloped. Therefore, zero (0) parking spaces are currently required. Any future development of a single-family residence must comply with Section 27-454(e).

Advertisement:	<u>The Wyandotte Echo</u> – February 15, 2024 Letters to Property Owners – February 16, 2024
Public Hearings:	March 11, 2024 and March 28, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: Applicant, Daryl Rakoski with Premium Builders LLC, is requesting to vacate a utility easement.

City Ordinance Requirements: Article VI, Sections 27-196—208, -212, and -215, Article VII, Sections 27-245, -250, and -283; and Article VIII, Section 27-454

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The previous property owners have received no noise or disturbance complaints.
2. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The previous property owners have not received any Building Inspection or Property Maintenance Compliance complaints.
2. The current property owner has received any Building Inspection or Property Maintenance Compliance complaints.

Outstanding or Related Permits and Cases:

1. There are no outstanding permits or cases related to the subject property.
2. Several building permits related to the Villas of Piper Valley Subdivision have been pulled since 2021, including at least 13 building permits for the construction of new single-family residences and four (4) grading permits for excavation related to the residential construction.

FACTORS TO BE CONSIDERED

- 1. 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.***

Vacation of the utility easement would facilitate residential construction on the subject property. Any proposed residence must meet all R-1 District requirements, including setbacks. Furthermore, the residence constructed must

be from an approved floor plan submitted as part of Villas of Piper Valley Plat. Compliance with all district requirements and plat conditions of approval will ensure that the subject property can and will continue to be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

2. *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*

A hookup to the sanitary sewer line is located at the northeast corner of the subject property. The public sanitary sewer line runs eastward from the hookup outlet to the intersection of Webster Avenue and North 114th Street, then turns north and runs under the North 114th Street right-of-way across the north side of the Hubbard Road right-of-way.

c. *Storm water control*

The storm water line running northward under the North 114th Street right-of-way serves the entire subdivision, including the subject property.

d. *Police*

Police service is provided by West Division, District #226.

e. *Fire*

Fire service is provided by Fire Station #12, which is located 1.1 miles east of the subject property. Fire service can also be provided by Fire Station #8, which is located 1.3 miles west of the subject property.

f. *Transit*

The subject property is not reasonably served by any public bus routes. The closest bus stop is located at the intersection of Hutton Road and Georgia Avenue, approximately one (1) mile to the east-southeast. While one (1) mile on its face is too great a distance to reasonably serve the subject property, pedestrian access between the bus stop and subject property is further reduced by the fact that the Villas of Piper Valley subdivision does not connect to any other residential neighborhood. Therefore, in order to walk from the subject property to the closest bus stop, a pedestrian must walk along the shoulder of the North 118th Street right-of-way or otherwise trespass through private property.

g. Schools

Public education is provided by Piper East Elementary School, Piper Middle School, and Piper High School, under Piper USD 203.

h. Streets

The subject property is served by Webster Avenue, and lies within 50 feet of the North 118th Street right-of-way, to which the subject property also has access.

- 3. 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 Villas of Piper Valley subdivision accesses North 115th Street and North 114th Street, the latter of which is planned to connect through the Piper Landing subdivision, the housing development to the south. Between the two (2) developments, there are only three (3) points of entry/exit to the rest of the county—two (2) access points on North 115th Street and one (1) access point on Hutton Road, which is part of the Piper Landing subdivision. While there is a concern that this does not allow for proper circulation of the traffic in the existing and proposed neighborhoods, the plat for Villas of Piper Valley was nonetheless approved. No additional streets will be created as part of this vacation. Therefore, the vacation will not create conditions that further any safety, convenience, or functionality issues.

- 4. 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.**

There will be no change to the size, shape, nor dimensions of the subject property as a result of the vacation. Rather, the vacation of the utility easement will allow the subject property to be more buildable as more continuous land will be available for construction free of access rights possessed by other parties.

- 5. 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 vacation of the utility easement is a change that primarily takes place on paper, and does not account for the topography of the subject property and surrounding land. Any future development on the subject property must take topography into account, as reflected on the submitted site plans and building elevations.

6. 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 requested vacation will remove the utility easement located exclusively within the subject property. Vacation does not take into account access to public facilities and recreational amenities, nor does a vacation generate the need or requirement for additional amenities.

7. Vacation will not create utility conflicts.

The vacation will remove a utility easement within the subject property. While all public utilities (i.e., water, electrical, sewer, internet, etc.) are accessible from the Webster Avenue right-of-way to the north of the subject property, removal of the existing utility easement in effect removes the ability for any future utilities to access the subject property from the west, and likely from the south as well. (Due to the proximity of the subject easement to the North 115th Street right-of-way, it is more likely that south-accessing easements will come from this street and access the subject property from the Southwest corner, rather than for a utility line to gain access through the rear yard utility easement running east-west along the several parcels of the subdivision.) Therefore, the requested vacation could create future utility conflicts. Applicant has submitted a revised vacation exhibit (see “Proposed Vacation Exhibit at 11471 Webster Avenue” within the *Attachments* section of this report), demonstrating a north-south utility easement along the western boundary line of the subject property. This easement accounts for the general lot constraints that prompted the initial vacation application, but along includes sections in which a 10-foot easement remains.

PREVIOUS ACTIONS

- Villas of Piper Valley (2020), a Preliminary Plat for 65 residential parcels (approved 11/9/2020)
- COZ-3240, a Change of Zone from A-G Agriculture District to R-1 Single Family District (approved 12/10/2020)
- PLAT2021-002, a Final Plat for 24 parcels (Phase I) of the Villas of Piper Valley Plat (approved, 03/08/2021)
- PLAT2023-007, a Final Plat for 24 parcels (Phase I) of the Villas of Piper Valley Plat, revising PLAT2021-002 (approved 03/13/2023)
- PR2022-037, a Preliminary and Final Plan Review for the Villas of Piper Valley Plat (approved 03/30/2023)

NEIGHBORHOOD MEETING

A neighborhood meeting is not required for a vacation.

KEY ISSUES

Future Development
Parcel Dimension
Recording Plat Amendments
Remaining Easements
Utility Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Vacation Application VAC2024-001, subject to:

1. Before any development permit can be issued to the subject property, the revised location of the west side yard utility easement must be recorded with the Register of Deeds as an amendment to the Villas of Piper Valley subdivision plat;
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. 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 existing and future driveways must feature curb cuts that are constructed to UG standards;
5. If a driveway is constructed, then 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;
6. 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; and,

7. 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 **VAC2024-001** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 11, 2024 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Proposed Vacation Exhibit at 11471 Webster Avenue
Replat of Villas of Piper Valley Plat (from PLAT2023-007)
Photographs of 11471 Webster Avenue, Dated October 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Vacation	March 11, 2024	March 28, 2024
	Approval	

STAFF CONTACT: Michael Farley, AICP
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2024-001** 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 **VAC2024-001** as it is not in compliance with the City Code 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.

March 11, 2024, City Planning Commission Minutes:

Hearing starts at 1:18:21:

EASEMENT VACATION APPLICATION VAC2024-001 – DARYL K. RAKOSKI -

SYNOPSIS: Vacation of a utility easement on Lot 1 of Villas at Piper Valley at 11471 Webster Avenue. *Detailed Outline of Requested Action:* Applicant, Daryl Rakoski with Premium Builders LLC, is requesting to vacate a utility easement.

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 March 11, 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:

- Daryl Rakoski, applicant, 12525 Leavenworth Road, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:20:50: Planning Director Hand stated that the request is for vacation of utility easements. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no

Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:22:21:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2024-001:**

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

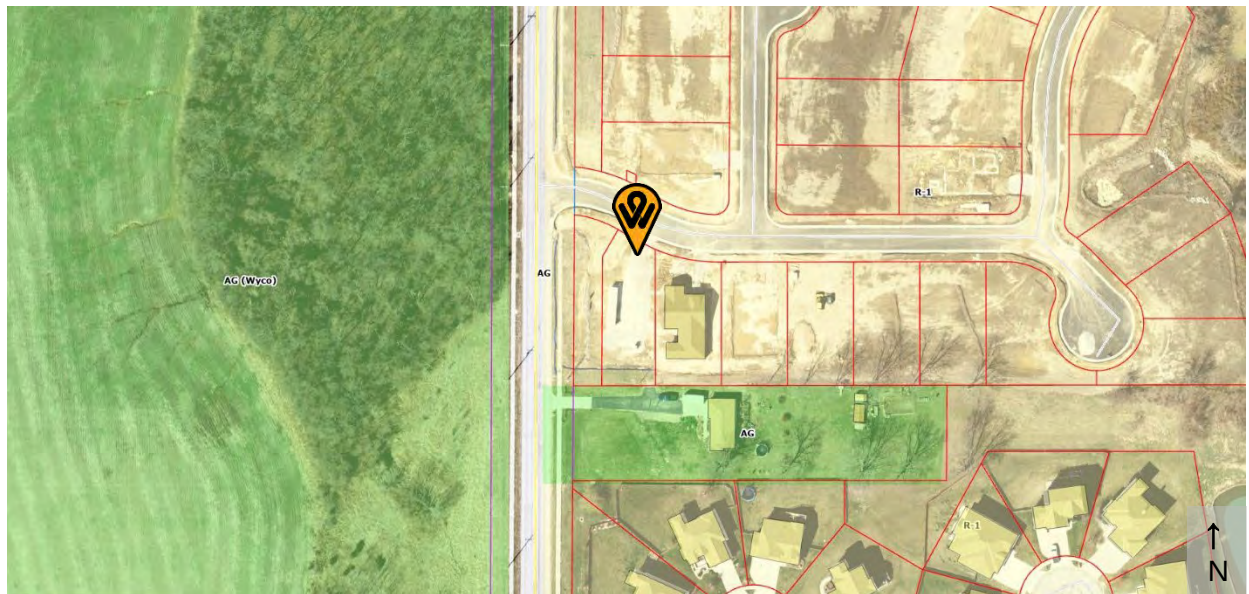
1. Before any development permit can be issued to the subject property, the revised location of the west side yard utility easement must be recorded with the Register of Deeds as an amendment to the Villas of Piper Valley subdivision plat;
2. A building permit is required for the construction of a permanent 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. 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 existing and future driveways must feature curb cuts that are constructed to UG standards;
5. If a driveway is constructed, then 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;

6. 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; and,
7. 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.

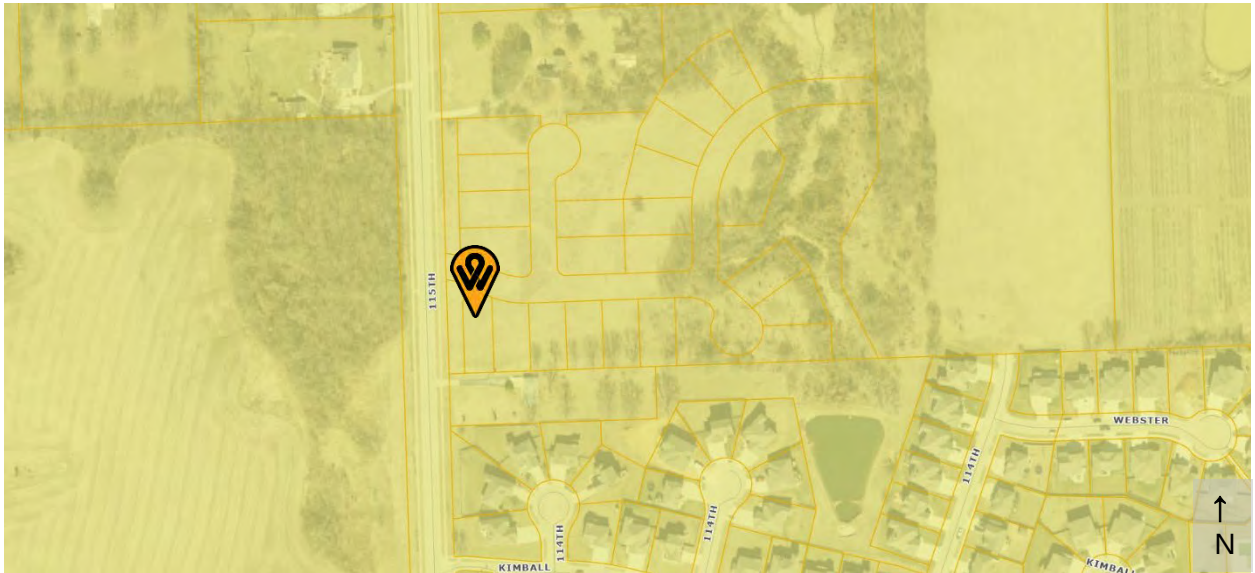
AERIAL MAP



ZONING MAP



LAND USE MAP



Prairie-Delaware-Piper Area Plan Land Uses

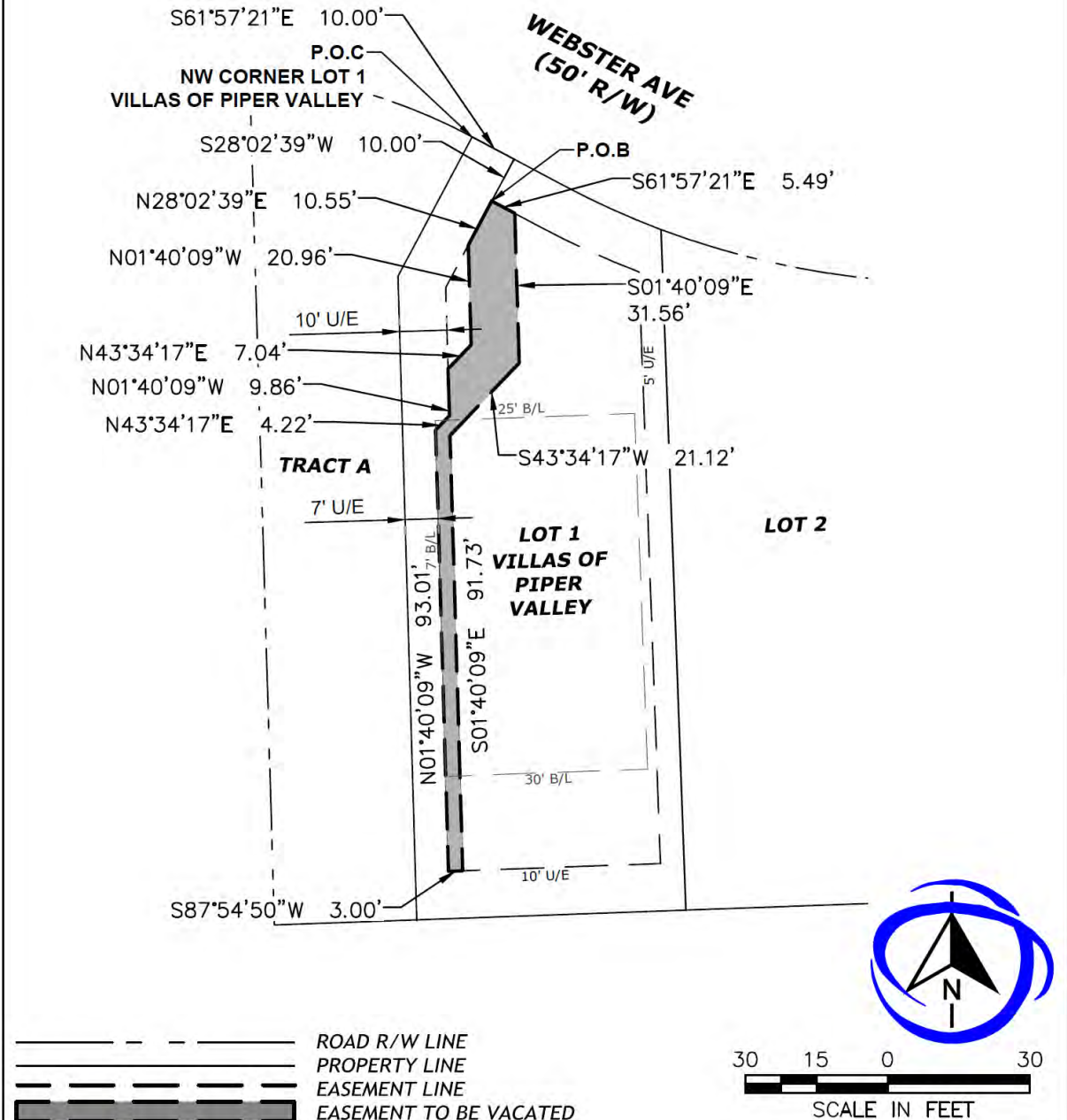
-  Low Density Residential District
-  Planned Suburban Residential District
-  Planned Mixed Residential District
-  Planned Office District
-  Planned Commercial District
-  Public / Semi-Public
-  Planned Open space
-  Planned Entertainment District
-  Planned Mixed Business Park / Commercial District
-  Planned Mixed Business Park / Office District
-  Planned Mixed Entertainment / Commercial District
-  Planned Small Commercial District
-  Future Interchange

PROPOSED VACATION EXHIBIT AT 11471 WEBSTER AVENUE

EXHIBIT A

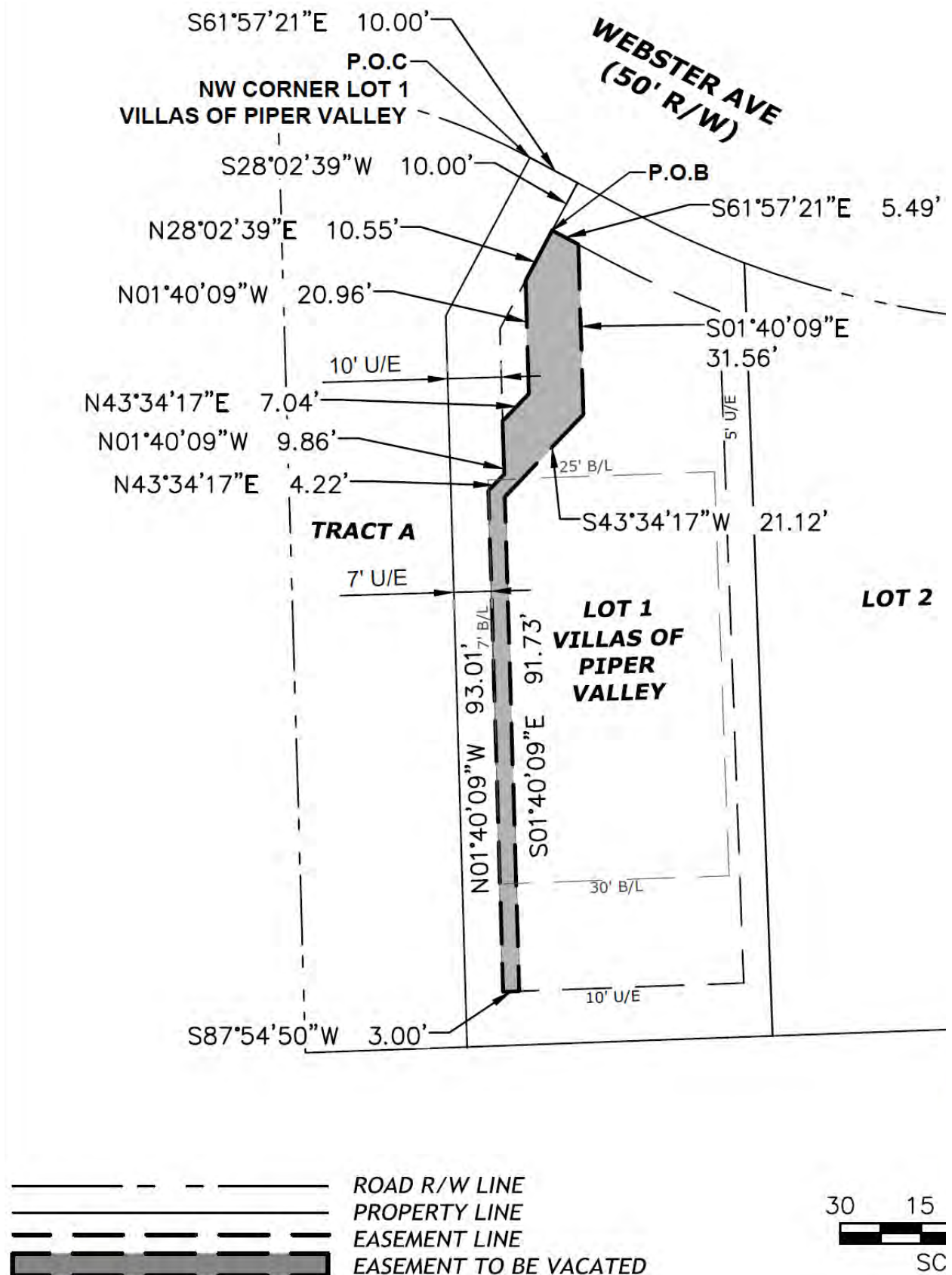
SHEET 2 OF 2

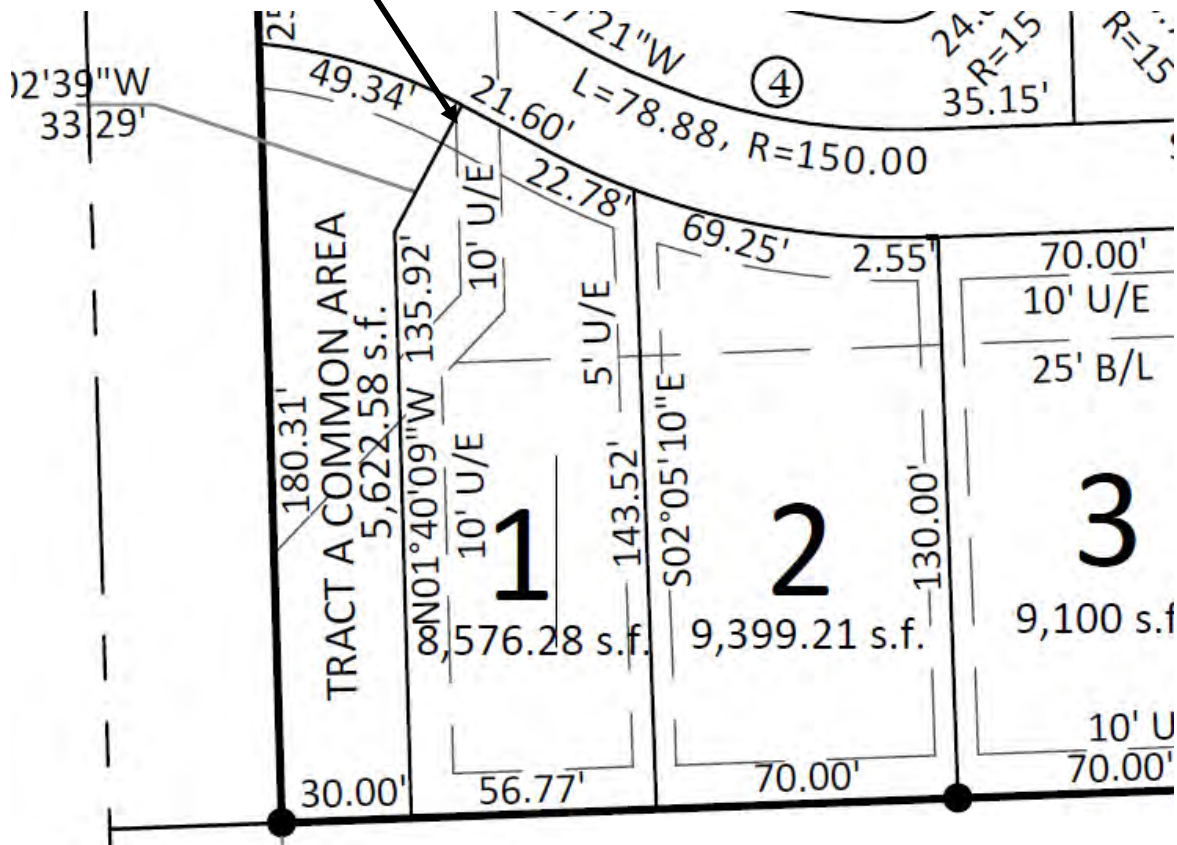
THIS SKETCH HAS BEEN PREPARED FOR EASEMENT EXHIBIT PURPOSES ONLY AND DOES NOT CONSTITUTE A BOUNDARY SURVEY. DISTANCES AND BEARINGS ARE BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM.



 ALC ATLAS LAND CONSULTING 14500 Parker Road, Suite 200, Overland Park, KS 66204 416.884.1111	11471 WEBSTER AVE, KANSAS CITY, KS 66109	
	COUNTY	
	WYANDOTTE COUNTY	DATE: 01/08/2024

PROPOSED VACATION EXHIBIT AT 11471 WEBSTER AVENUE, CONT.



[illegible]

PHOTOGRAPHS OF 11471 WEBSTER AVENUE, DATED OCTOBER 2023



(First published _____)

COZ2023-032

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3921 North 51st Street, 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 November 27, 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:

Tract 9171, Section 24, Township 10, Range 24, acres 9.47, SW ¼, SW ¼, SW ¼, Less West 20 feet, less East 80 feet of West 375 feet of North 176 feet of South 330 feet, containing 9.47 acres, more or less, located at 3921 North 51st Street, 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

(First published _____)

COZ2023-033

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 6815 Cernech Road and 3420 North 67th Street, 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 December 28, 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:

9248, 28-10-24E, 107b Com 40P W NE Cor SE 1/4th W 25p S 64p E 25p N 64p to BEG 10A, located at approximately 6815 Cernech Road and 3420 North 67th Street, 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

(First published _____)

COZ2023-025

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3909 and 3011 North 57th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family 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 August 25, 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 R-2 Two Family 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:

The north ½ of Lot 5 and all of Lot 6, Studts Highland, a subdivision of land in the city of Kansas City, Wyandotte county Kansas, located at 3009 and 3011 North 57th Street,

be changed from its present zoning of R-1 Single Family District to R-2 Two Family 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 R-2 Two Family 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

(Published _____)

SP2023-078

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 SP2023-078, commonly known as 4919 North 126th Street, Kansas City, Kansas, legally described as:

PIPER LAKE NORTH, S17, T10, R23, 1211893 SQUARE FEET, L1, located at approximately 4919 North 126th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for grading/removal of earthen fill.

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 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.**

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 _____)

SP2023-094

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 SP2023-094, commonly known as 550 State Avenue, Kansas City, Kansas, legally described as:

ORRS ADD & 1194, S10, T11, R25, ACRES 0.1, B4 E 1/2 L137, ALL L138, located at approximately 550 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for an emergency cold-weather shelter.

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. 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.

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 _____)

SP2023-108

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 SP2023-108, commonly known as 2903 West 45th Avenue, Kansas City, Kansas, legally described as:

LOT 15, HAYES RESURVEY OF PLEASANT GROVE, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 2903 West 45th 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 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.**

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 _____)

SP2023-111

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 SP2023-111, commonly known as 2601 Ridge Avenue, Kansas City, Kansas, legally described as:

Section 17, Township 11, Range 25, 57-60 BEG 30FT S & 30FT W OF NE COR NW1/4; S 1290FT, W 630FT, N 618.5FT, W 276.38FT, N 289FT, W 204.5FT, N 412.5FT, Parcel Number: 911102, 25.036 acres & 1,090,568,411 square feet, located at approximately 2601 Ridge Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a group dwelling.

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 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.

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 _____)

SP2023-112

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 SP2023-112, commonly known as 3921 North 51st Street, Kansas City, Kansas, legally described as:

Tract 9171, Section 24, Township 10, Range 24, acres 9.47, SW ¼, SW ¼, SW ¼, Less West 20 feet, less East 80 feet of West 375 feet of North 176 feet of South 330 feet, containing 9.47 acres, more or less, located at 3921 North 51st Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate an agro-tourism 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. 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.

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 _____)

SP2023-115

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 SP2023-115, commonly known as 2959 North 7th Street Trafficway, Kansas City, Kansas, legally described as:

Block 9, Lot 9 to Lot 11 and Block 9, Lot 15 to Lot 16, Beacon Hill Annex, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, located at approximately 2959 North 7th Street Trafficway.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for an automotive dealership.

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. 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.

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 _____)

SP2023-116

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 SP2023-116, commonly known as 2311 North 104th Terrace, Kansas City, Kansas, legally described as:

Parallel Heights, Section 35, Township 10, Range 23, 0.081 acres, Block 2, Lots 5 and 6, located at approximately 2311 North 104th Terrace, 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. 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.

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 _____)

SP2023-118

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 SP2023-118, commonly known as 401 North 6th Street, Kansas City, Kansas, legally described as:

Beginning at the Southwest corner of Lot 27, Block 2, in MORRIS AND EARLY'S ADDITION TO WYANDOTTE CITY, a subdivision in Kansas City, Wyandotte County, Kansas; thence East 68.30 feet on the South line of said Lot 27; thence North 00 degrees 12 minutes East 23.00 feet on a line parallel to the East line of said Lot 27; thence North 21 degrees West 11.90 feet; thence South 88 degrees 15 minutes West, 65.44 feet more or less to the West line of said Lot 26; thence South 02 degrees 32 minutes East 32.10 feet on said West line to the point of beginning, located at approximately 401 North 6th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a drinking establishment.

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 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.

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 _____)

SP2023-121

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 SP2023-121, commonly known as 611 Douglas Avenue, Kansas City, Kansas, legally described as:

CENTER & 1549 & 1550 & 1551, S27, T11, R27, ACRES 0.12, L838 & L839, located at approximately 611 Douglas 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. 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.

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 _____)

SP2024-001

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 SP2024-001, commonly known as 11 North James Street, Kansas City, Kansas, legally described as:

TRACT 1: A TRACT OF LAND IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 11, TOWNSHIP 11, RANGE 25, KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF JAMES STREET, AS NOW ESTABLISHED, SAID POINT BEING SOUTH 28° 00' 00" EAST 1195.00 FEET FROM THE CENTER LINE OF OHIO STREET AS ORIGINALLY PLATTED; AS MEASURED ALONG SAID NORTHEASTERLY LINE OF JAMES STREET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE NORTH 43° 03' 54" EAST 31.62 FEET; THENCE NORTH 61° 30' 00" EAST 370.00 FEET; THENCE SOUTH 28° 30' 00" EAST 110.00 FEET; THENCE NORTH 61° 30' 00" EAST 160.00 FEET; THENCE SOUTH 00° 28' 00" EAST 572.63 FEET ALONG A LINE PARALLEL TO THE KANSAS-MISSOURI STATE LINE TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CENTRAL AVENUE, AS NOW ESTABLISHED; THENCE NORTH 87° 52' 00" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF CENTRAL AVENUE 338.04 FEET TO ITS POINT OF INTERSECTION WITH SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF JAMES STREET; THENCE NORTH 28° 30' 00" WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY

LINE OF JAMES STREET 433.20 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

TRACT 2: A TRACT OF LAND IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 11, TOWNSHIP 11, RANGE 25, KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF JAMES STREET, AS NOW EXISTS, SAID POINT BEING SOUTH 28° 30' 00" EAST 1195.00 FEET FROM THE CENTERLINE OF OHIO STREET, AS ORIGINALLY PLATTED, AS MEASURED ALONG THE NORTHEASTERLY LINE OF SAID JAMES STREET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE HEREIN DESCRIBED; THENCE NORTH 43° 03' 54" EAST 31.62 FEET; THENCE NORTH 61° 30' 00" EAST 370.00 FEET; THENCE SOUTH 28° 30' 00" EAST 110.00 FEET THENCE NORTH 61° 30' 00" EAST 772.13 FEET TO A POINT ON THE KANSAS-MISSOURI STATE LINE; THENCE SOUTH 00° 28' 00" EAST ALONG SAID STATE LINE 475.02 FEET; THENCE NORTH 87° 52' 00" WEST 67.89 FEET; THENCE SOUTH 61° 30' 00" WEST 313.66 FEET ; THENCE SOUTH 00° 28' 00" EAST ALONG A LINE THAT IS PARALLEL TO SAID STATE LINE 272.60 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CENTRAL AVENUE , AS SAID STREET IS NOW ESTABLISHED; THENCE NORTH 87° 52' 00" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 573.89 FEET TO THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID JAMES STREET; THENCE NORTH 28° 30' 00" WEST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID JAMES STREET 433.20 FEET TO THE TRUE OF POINT OF BEGINNING.

LESS AND EXCEPT:

A TRACT OF LAND IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 11, TOWNSHIP 11, RANGE 25, KANSAS CITY, WYANDOTTE COUNTY, KANSAS BEING BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF JAMES STREET, AS NOW ESTABLISHED, SAID POINT BEING SOUTH 28° 00' 00" EAST 1195.00 FEET FROM THE CENTER LINE OF OHIO STREET AS ORIGINALLY PLATTED; AS MEASURED ALONG SAID ORTHEASTERLY LINE OF JAMES STREET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE NORTH 43° 03 ' 54" EAST 31.62 FEET; THENCE NORTH 61° 30' 00" EAST

370.00 FEET ; THENCE SOUTH 28° 30' 00" EAST 110.00 FEET; THENCE NORTH 61° 30' 00" EAST 160.00 FEET; THENCE SOUTH 00° 22' 00" EAST 572.63 FEET ALONG A LINE PARALLEL TO THE KANSAS-MISSOURI STATE LINE TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CENTRAL AVENUE, AS NOW ESTABLISHED; THENCE NORTH 87° 52' 00" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF CENTRAL AVENUE 338.04 FEET TO ITS POINT OF INTERSECTION WITH SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF JAMES STREET; THENCE NORTH 28° 30' 00" WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF JAMES STREET 433.20 FEET TO THE TRUE POINT OF BEGINNING.

AND ALSO, EXCEPT:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 11, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID TRACT OF LAND BEING COMPRISED OF PORTIONS OF LOTS 4, 5 AND 6, ARMOUR, A SUBDIVISION OF LAND AS RECORDED IN PLAT BOOK 7, PAGES 30 AND 31, IN THE WYANDOTTE COUNTY REGISTER OF DEEDS OFFICE, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE KANSAS/MISSOURI STATE LINE, SAID POINT BEING 1257.66 FEET NORTH OF THE INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID TRACTIONAL SECTION 11 WITH SAID KANSAS/MISSOURI STATE LINE, SAID POINT ALSO BEING 449.88 FEET NORTH OF THE CENTER LINE OF CENTRAL AVENUE, AS NOW ESTABLISHED; THENCE NORTH 87 DEGREES 52 MINUTES 00 SECONDS WEST 67.29 FEET, ALONG A LINE PARALLEL WITH SAID CENTRAL AVENUE; THENCE SOUTH 61 DEGREES 30 MINUTES 00 SECONDS WEST 269.06 FEET; THENCE NORTH 0 DEGREES 28 MINUTES 00 SECONDS WEST 436.18 FEET; THENCE NORTH 61 DEGREES 30 MINUTES 00 SECONDS EAST 345.22 FEET TO A POINT ON SAID KANSAS/MISSOURI STATE LINE; THENCE SOUTH 0 DEGREES 28 MINUTES 00 SECONDS EAST 475.02 FEET, ALONG SAID KANSAS/MISSOURI STATE LINE, TO THE POINT OF BEGINNING OF THE TRACT HEREINDESCRIBED.

ALSO, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY. Located at approximately 11 North James Street, Kansas City, Kansas

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a truck leasing, maintenance and repair facility.

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 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;**
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.
 - 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.

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 _____)

SP2023-071

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 SP2023-071, commonly known as 731 North 75th Terrace Kansas City, Kansas, legally described as:

TIMBERCREST REP NO 1, S9, T11, R24, ACRES 0.060000, BLOCK B1 L2, located at approximately 731 North 75th Terrace, 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. Any repairs not addressed prior to approval of SP2023-071 shall be completed prior to renewal of this Special Use Permit;**
- 2. Maximum number of guests shall be six (6);**
- 3. All parking must be off-street, maximum number of vehicles is one (1). 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



Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #		
RESOLUTION: APPROVING A FIFTH AMENDMENT TO THE LEGENDS WEST LAWN DEVELOPMENT		
SYNOPSIS		
BACKGROUND		
RESOLUTION: APPROVING A FIFTH AMENDMENT TO THE LEGENDS WEST LAWN DEVELOPMENT AGREEMENT Synopsis: Extends to November 30, 2024 the completion date of the paving and striping improvements required at Legends West Lawn, before a \$500,000 liquidated damages provision applies, submitted by Jeff Conway, Senior Attorney.		
RECOMMENDATION		
To adopt the Resolution.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
n/a		
PROCUREMENT CONSIDERATIONS		
n/a		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Fifth Amendment to Development Agreement- Extension of Paving Obligations, Resolution Approving Fifth Amendment to West Lawn DA		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:



2/23/2024



2/25/2024

RESOLUTION NO. R-____-24

**A RESOLUTION AUTHORIZING THE FIFTH AMENDMENT TO
DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS
III.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and W-LD Legends Owner VII, L.L.C., a Delaware limited liability company ("Developer") are parties to that certain Development Agreement for Legends West Lawn dated as of February 8, 2018, as amended by that certain First Amendment to Development Agreement for Legends West Lawn dated as of January 4, 2019, that certain Second Amendment to Development Agreement for Legends West Lawn dated as of May 9, 2019, that certain Third Amendment to Development Agreement for Legends West Lawn dated as of September 30, 2021, and that certain Fourth Amendment to Development Agreement for Legends West Lawn dated as of December 13, 2022 (collectively, the "Agreement"), whereby Developer proposed to design, develop, and construct certain improvements to the Legends Outlets Kansas City, including among other things, hardscape and landscape replacements, video board installation on the existing "smokestack," shade structure, signage, façade improvements, escalator repair and enclosure and new "legends" monuments (as more particularly described in the Agreement, the "Project");

WHEREAS, Developer has requested an extension to the deadline to complete certain paving and striping obligations (as more particularly described in the Agreement, the "Paving Obligations"); and

WHEREAS, the Governing Body has determined that it is advisable to enter into the Fifth Amendment to Development Agreement for Legends West Lawn, attached hereto as **Exhibit A** (the "Fifth Amendment").

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. The Governing Body hereby approves the Fifth Amendment in substantially the form attached hereto.

Section 2. The Mayor/CEO is hereby authorized to execute in the name of the UG, the Fifth Amendment, and the County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signature page and exhibit follow.]

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS ____ DAY OF MARCH, 2024.**

Tyrone Garner, Mayor/CEO

ATTEST:

UG Clerk

(Seal)

EXHIBIT A
Fifth Amendment

[Attached.]

**FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT
FOR LEGENDS WEST LAWN**

This FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEGENDS WEST LAWN (this "Amendment") dated as of December 15, 2023, is made and entered into by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"), and W-LD Legends Owner VII, L.L.C., a Delaware limited liability company ("Developer").

RECITALS

A. The UG and Developer entered into that certain Development Agreement for Legends West Lawn dated February 8, 2018 (the "Original Agreement") with respect to, among other things, the design, development, and construction of certain improvements to the Legends Outlets Kansas City, including among other things, hardscape and landscape replacements, video board installation on the existing "smokestack," shade structure, signage, façade improvements, escalator repair and enclosure and new "legends" monuments (the "Project"), all as more particularly described in the Agreement. All capitalized terms which are not otherwise defined herein shall have the meanings assigned to them in the Agreement.

B. On January 4, 2019, the parties entered into that certain First Amendment to Legends West Lawn Development Agreement (the "First Amendment") to extend the time for the completion of certain improvements.

C. On May 9, 2019, the parties entered into that certain Second Amendment to Legends West Lawn Development Agreement (the "Second Amendment") to extend the time for the completion of certain improvements.

D. On September 30, 2021, the parties entered into that certain Third Amendment to Legends West Lawn Development Agreement (the "Third Amendment") to extend the time for completion of certain improvements.

E. On December 13, 2022, the parties entered into that certain Fourth Amendment to Legends West Lawn Development Agreement (the "Fourth Amendment") to extend Developer's obligations to "pave in asphalt and stripe, in a manner consistent with asphalt parking lots elsewhere at the Legends Outlets Kansas City, the unpaved portions of parcel number 299900 located at 1824 Village West Parkway" on or before November 30, 2023 (the "Paving Obligations") as set forth in Section 2.2(c) of the Agreement. Pursuant to the Fourth Amendment, the deadline to complete the Paving Obligations is currently November 30, 2023. To date, Developer has not yet performed the Paving Obligations. The Original Agreement, as amended by the First Amendment, the Second Amendment, Third Amendment, and Fourth Amendment shall be collectively referred to herein as the "Agreement").

F. Developer has requested an extension the deadline to complete the Paving Obligations as set forth in Section 2.2(c) of the Agreement to November 30, 2024.

G. The parties hereby agree to amend and modify the Paving Obligations as set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the UG and Developer agree as follows:

1. Amendment to Paving Obligations in Section 2.2(c). Section 2.2(c) of the Agreement shall be deleted in its entirety and replaced with the following:

"Developer hereby agrees to pave in asphalt and stripe, in a manner consistent with asphalt parking lots elsewhere at the Legends Outlets Kansas City, the unpaved portions of parcel number 299900 located at 1824 Village West Parkway. This work must be performed in a manner that fully complies with Applicable Laws and Requirements, including without limitation, all stipulations and requirements from the planning and zoning for this parcel. These paving and striping improvements shall be completed by Developer on or before November 30, 2024. Notwithstanding the foregoing, in the event a redevelopment plan for an alternative use of parcel number 299900 is approved by the UG's Commission on or before December 30, 2024, then the terms of this Section 2.2(c) shall be of no further force or effect. In the event that (i) Developer shall fail to complete the paving and striping improvements described herein by November 30, 2024, or (ii) the UG's Commission does not approve a redevelopment plan for an alternative use of parcel number 299900 on or before November 30, 2024, then Developer shall pay to the UG liquidated damages in the amount of \$500,000. The parties hereby further agree as follows:

(x) the \$500,000 of damages described in the prior sentence is agreed upon by and between the UG and Developer, as fair and equitable liquidated damages due to the difficulty and inconvenience of ascertaining and measuring actual damages, and the uncertainty thereof, and no other damages, rights or remedies will in any case be collectible, enforceable or available to the UG as a result of Developer's failure to timely perform under this Section 2.2(c).

(y) the notice and cure provisions set forth in Section 9.1 shall not be applicable to a failure of Developer to timely perform under this Section 2.2(c).

(z) if Developer fails to fully pay the \$500,000 of liquidated damages to the UG in immediately available funds on or before December 15, 2024, then the UG shall be entitled to default interest in the amount described in Section 9.4 of the Agreement, along with all reasonable costs and charges, including attorneys' fees incurred by or on behalf of the UG in connection with the enforcement of this provision and the collection of the \$500,000 of liquidated damages described herein."

2. Recitals. The parties acknowledge that the Recitals set forth above are true and correct and are hereby incorporated into the body of this Amendment.

3. No Further Modification. Except as expressly set forth in this Amendment, all terms and provisions of the Agreement are hereby confirmed and remain unmodified and in full force and effect, such terms and provisions being hereby incorporated herein for all purposes.

4. Conflict or Inconsistency. In the event of any conflict or inconsistency between the terms and provisions of this Amendment and the terms and provisions of the Agreement, the terms and provisions of this Amendment shall control.

5. Multiple Counterparts. This Amendment may be executed in any number of counterparts, each of which may be executed by only one party, which shall be enforceable against the parties actually executing such counterparts, and all of which together shall constitute one instrument. Delivery by facsimile or electronic transmission of an executed counterpart of any signature page to this Amendment to be executed hereunder shall have the same effectiveness as delivery of a manually executed counterpart thereof.

[Remainder of page intentionally left blank. Signature pages immediately follow.]

IN WITNESS WHEREOF, the parties have caused this Fifth Amendment to be executed as of the day and year first above written.

The UG:

THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By: _____
Name: Tyrone A. Garner
Its: Mayor/CEO

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2024, by
Tyrone A. Garner as the Mayor/CEO of the Unified Government of Wyandotte County/Kansas
City, Kansas.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

[Seal]

[Signatures continue onto the next page.]

Developer:

W-LD LEGENDS OWNER, L.L.C.,
a Delaware limited liability company

By: _____
Name: _____
Its: _____

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2024, by _____ as the _____ of W-LD Legends Owner, L.L.C.

Printed Name: _____
 Notary Public in and for said State
 Commissioned in _____ County

My commission expires

[Seal]



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Economic Development
AGENDA ITEM #X.2.		
APPROVAL: EXTENSION OF DEADLINE TO ISSUE INDUSTRIAL REVENUE BONDS		
SYNOPSIS		
Approval of an extension of certain deadlines to issue industrial revenue bonds related to the American Royal Project to July 31, 2024, submitted by Jeff Conway, Assistant Counsel.		
BACKGROUND		
Approval of an extension of certain deadlines to issue industrial revenue bonds related to the American Royal Project to July 31, 2024, submitted by Jeff Conway, Assistant Counsel. <i>On March 4, 2024, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
3.4.24		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
3.26.24		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
American Royal - Letter Regarding IRB Resolution of Intent 2.27.24-c, Amend Resolution of Intent - American Royal (UG)		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:



1701 American Royal Court, Kansas City, MO 64102 • (816) 221-9800

February 27, 2024

Jackie McClaskey
jackiem@americanroyal.com

VIA E-MAIL

Unified Government - County Administrator's Office
701 North 7th St., Suite 945
Attn: David W. Johnston, County Administrator
djohnston@wycokck.org

Re: Agreements re: Conditions for Resolution of Intent (the "ROI") to Issue not-to-exceed \$250,000,000 of Industrial Revenue Bonds in Connection with the American Royal Project (the "Project")

Dear Mr. Johnston,

We are writing in regard to your letter dated August 21, 2024, as acknowledged and agreed to by the American Royal Association (the "Royal") as of August 18, 2023 (the "Letter"). The Royal continues to work expeditiously and in good faith to finalize and deliver the Feasibility Study, as a condition precedent to executing and delivering the Project Plan and Amendment (as those terms are defined in the Letter). As those items will not be finalized, executed and delivered prior to the March 31, 2024 date specified in the Letter, however, we are respectfully requesting an extension of that date to July 31, 2024. We would appreciate if this request can be "blue sheeted" onto the March 4, 2024 Economic Development and Finance Committee agenda, for consideration as part the Administrator's agenda at the March 28, 2024 Full Commission meeting.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Jackie McClaskey,
President and CEO

cc: Tom Burroughs (via e-mail)

RESOLUTION AMENDING CERTAIN PROVISIONS OF RESOLUTION NO. R-52-23 PREVIOUSLY ADOPTED BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, WHICH DETERMINED THE INTENT TO ISSUE INDUSTRIAL REVENUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$250,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING COMMERCIAL AND RECREATIONAL FACILITIES FOR THE BENEFIT OF THE AMERICAN ROYAL ASSOCIATION AND ITS SUCCESSORS AND ASSIGNS (SALES TAX EXEMPTION ONLY)

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Issuer and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Issuer is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the American Royal Association, a Missouri not-for-profit corporation (the “Company”), previously submitted to the Issuer an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Issuer finance the cost of acquiring, constructing, improving and equipping certain commercial and recreational facilities as more fully described in the Application to be approximately located in the vicinity of 118th Street and State Avenue (collectively, the “Project”) through the issuance of its revenue bonds in one or more series in the amount of not to exceed \$250,000,000 (the “Bonds”), and to lease the Project to the Company or its successors and assigns in accordance with the Act; and

WHEREAS, the governing body of the Issuer previously adopted Resolution No. R-52-23 (the “Resolution of Intent”) determining the Issuer’s intent to issue the Bonds; and

WHEREAS, pursuant to the Company’s letter to the Issuer dated February 27, 2024, the Company requested amending certain terms of the Resolution of Intent; and

WHEREAS, the governing body of the Issuer hereby finds and determines to be advisable and in the interest and for the welfare of the Issuer to amend the Resolution of Intent as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Amendments. Section 10 of the Resolution of Intent is hereby deleted in its entirety and amended as follows:

Section 10. Termination of the Resolution. This Resolution shall terminate on July 31, 2024 unless (i) an amended and restated development agreement (or a substantive amendment to the current development agreement) (a “Development Agreement”) between the Issuer and Company has been approved by the Governing Body of the Issuer, (ii) a third-party feasibility study relating to the Company’s request for the issuance of sales tax revenue (STAR) bonds for the Project has been completed; and (c) a new or amended STAR bond

project plan for the Project has been adopted by the Issuer. The Issuer, upon the written request of the Company, may extend this time period.

Thereafter, this Resolution shall terminate three years from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Issuer for the Project or as otherwise set forth in the Development Agreement. The Issuer, upon the written request of the Company, may extend this time period.

In the event this Resolution is terminated before the issuance of the Bonds as provided above, unless an amendment to this Resolution or a new resolution is adopted by the Issuer's Governing Body within thirty (30) days following the date of such termination, the Company shall repay any sales tax actually exempted for the Project using the project exemption certificate issued as a result of this Resolution upon the expiration of such thirty (30) day period, and the Company will no longer be entitled to utilize the sales tax exemption certificate relating to the Bonds and the Project.

Section 2. Effectiveness of Resolution of Intent. Except as amended herein, all other provisions of the Resolution of Intent are hereby ratified and shall remain in full force and effect.

Section 3. Further Action. Counsel to the Issuer and Gilmore & Bell, P.C., Bond Counsel for the Issuer, together with the officers and employees of the Issuer, are hereby authorized to work with the purchaser of the bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Issuer all documents necessary to effect the authorization, issuance and sale of the bonds and other actions contemplated hereunder.

Section 4. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Issuer.

[Balance of page intentionally left blank]

**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS ON MARCH 28, 2024.**

By: _____
Mayor/CEO

(Seal)

Attest:

By: _____
Unified Government Clerk

Approved as to form:

By: _____
Office of Chief Counsel



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: 3/20/24

BOARD POSITION: Golf Advisory Board

INCUMBENT REPLACED: _____

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Andrew Davis

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Chancellor Adams

ADDRESS: _____

EMAIL / PHONE: _____

TERM OF OFFICE: 3/28/24 – 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

March 20, 2024

Monica Sparks
Unified Government Interim Clerk
East Building

Re: Subdivision Plat Approval for **SCHUBERT'S ENCHANTED WILDS**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of **SCHUBERT'S ENCHANTED WILDS** located along Lloyd Street north of 47th Street and being developed by Spencer Schubert.

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: 2024.03.20 08:52:27-05'00'

Brent E. Thompson, P.S.
County Surveyor

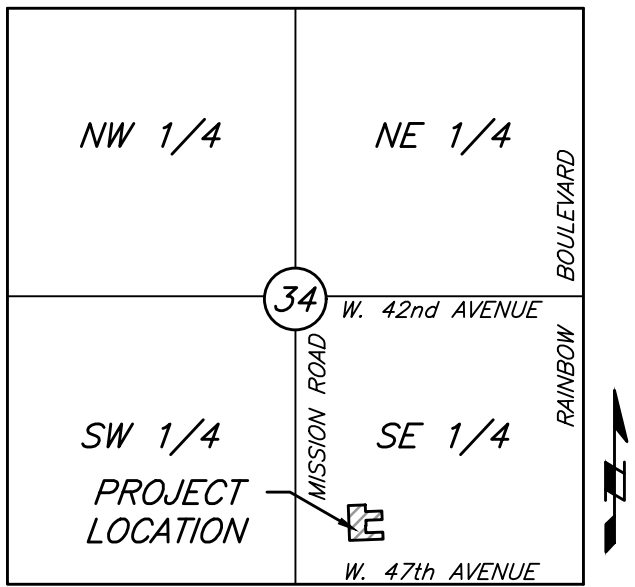
Troy Shaw

Digitally signed by
Troy Shaw
Date: 2024.03.20
14:09:08-05'00'

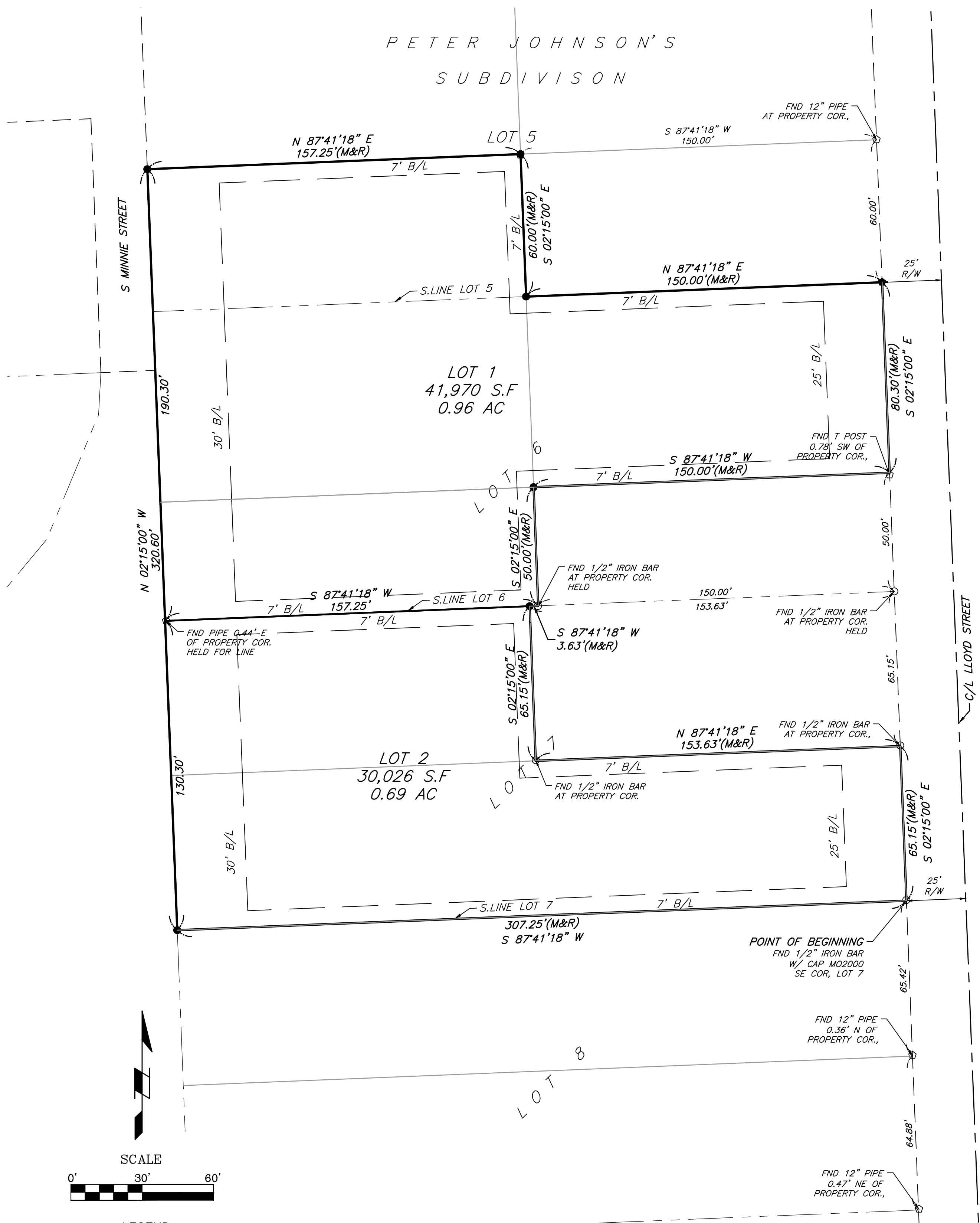
Troy Shaw, P.E.
County Engineer

Attachments

FINAL PLAT
SCHUBERT'S ENCHANTED WILDS
A REPLAT OF PARTS OF LOTS 5 THROUGH 7, PETER JOHNSON'S SUBDIVISION
SE 1/4, SECTION 34, TOWNSHIP 11 SOUTH, RANGE 25 EAST
KANSAS CITY, WYANDOTTE COUNTY, KANSAS



VICINITY MAP
SEC. 34-11-25
N.T.S.



PROPERTY DESCRIPTION:

A tract of land being part of Lots 5, 6 and 7, PETER JOHNSON'S SUBDIVISION, a subdivision in Kansas City, Wyandotte County, Kansas being more particularly described as follows:
Beginning at the Southeast corner of said Lot 7; Thence 87°41'18" West, along the South line of said Lot 7, 307.25 feet to the Southwest corner of said Lot 7; Thence North 02°15'00" West, along the West line of Lots 7, 6 and 5, 320.60 feet; Thence North 87°41'18" East, 157.25 feet;
Thence South 02°15'00" East, 60.00 feet, to the North line of said Lot 6; Thence North 87°41'18" East, along said North line, 150.00 feet, to the Northeast corner of said Lot 6;
Thence South 02°15'00" East, along the East line of said Lot 6, 80.30 feet; Thence South 87°41'18" West, 150.00 feet; Thence South 02°15'00" East, 50.00 feet, to the South line of said Lot 6;
Thence South 87°41'18" West, along said South line, 3.63 feet; Thence South 02°15'00" East, 65.15 feet; Thence North 87°41'18" East, 153.63 feet to the East line of said Lot 7; Thence South 02°15'00" East, along said East line, 65.15 feet to the Point of Beginning. Contains 71,996 square feet or 1.65 acres more or less.

PLAT DEDICATION:

THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THIS PLAT AND SAID PROPERTY SHALL HEREAFTER BE KNOWN AS:
"SCHUBERT'S ENCHANTED WILDS"

IN TESTIMONY WHEREOF:

Edward Spencer Schubert and Ryann Wilds Schubert, husband and wife, has caused these presents to be executed this _____ day of _____ 2023,

State of _____)
County of _____) ss

Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State, came Edward Spencer Schubert and Ryann Wilds Schubert to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Edward Spencer Schubert Owner Lot 2 Ryann Wilds Schubert Owner Lot 2

Notary Public

My Appointment Expires _____.

IN TESTIMONY WHEREOF:

Emily J. Storm, Owner, has caused these presents to be executed this _____ day of _____ 2023,

State of _____)
County of _____) ss

Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State, came Emily J. Storm to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Emily J. Storm Owner Lot 1

Notary Public

My Appointment Expires _____.

REGISTER OF DEEDS:

State of Kansas)
County of Wyandotte) ss

This is to certify that this instrument was filed for record in the Register of Deeds office on this _____ day of _____ 2023, at _____ o'clock and is duly recorded.

Nancy Burns-Register of Deeds

Susan Nelson-Deputy Register of Deeds

APPROVALS:

This Plat of "SCHUBERT'S ENCHANTED WILDS" has been submitted and approved by the Unified Government of Wyandotte County and the Kansas City, Kansas Planning Commission.

Dated this _____ day of _____ 2023

Unified Government of Wyandotte County, Kansas City, Kansas Planning Commission

BY: _____
Jeff Carson, Chairman

BY: _____
Gunnar Hand Director, AICP/Secretary

Recommended for approval by the County Engineer, this day _____ of _____ 2023

Troy Shaw 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: _____
Brent E. Thompson KS P.L.S. 1277

Date

The dedications shown hereon, if any, are accepted this _____ day of _____ 2023

Tyrone Garner Mayor/CEO

Monica Sparks, Interim Unified Clerk

GENERAL SURVEY NOTES:

1.) The plat of PETER JOHNSON'S SUBDIVISION is recorded in Plat Book 8 at Page 28A in the Register of Deeds Office in Wyandotte County, Kansas.

2.) Deed of record is recorded in Instrument No. 2006R-03981, Book 5160, Page 540, dated 02/17/2006 in the Register of Deeds Office, Wyandotte County, Kansas

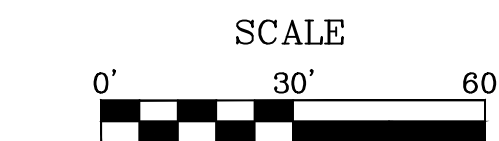
3.) Deed of record is recorded in Instrument No. 2014R-16306, dated 12/22/2014 in the Register of Deeds Office, Wyandotte County, Kansas

4.) There was no Title Report provided at the time of the survey.

5.) The subject property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on Flood Insurance Rate Map (FIRM) 20209C0190D effective September 2, 2011.

6.) Basis of Bearings: Kansas North Zone, U.S. State Plane Coordinate System, NAD 83

7.) All bearings and distances shown on this plat are measured unless otherwise noted.



LEGEND

- - MONUMENT FOUND AS NOTED
- - SET MONUMENT AS NOTED
- - FOUND 1/2" IRON BAR AT CORNER UNLESS OTHERWISE NOTED
- - SET 1/2" IRON BAR AT CORNER W/ J & J CAP
- (M) - MEASURED DISTANCE
- (R) - RECORD DISTANCE
- B/L - BUILDING SETBACK LINE

CLIENT/ PROPERTY ADDRESS:

Spencer Schubert
spencer@esschubert.com
4514 Lloyd Street,
Kansas City, KS 66103

PROPERTY ADDRESS:

4500 Lloyd Street,
Kansas City, KS 66103

CLOSURE CALCULATIONS:

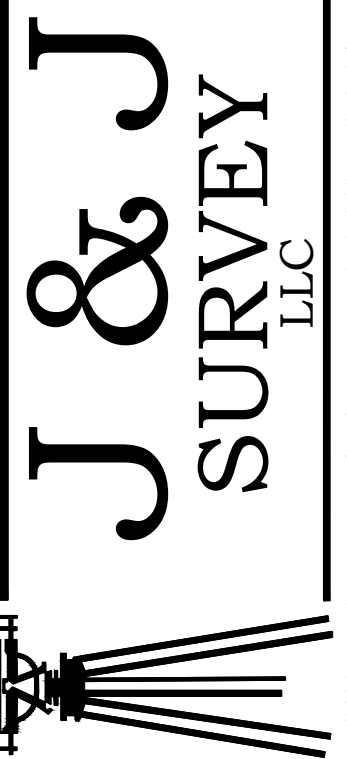
Precision, 1 part in: 223,286
Error distance: 0.007'
Error direction: S 87°44'54" W
Perimeter: 1,562.95'

CERTIFICATION:
I hereby certify that this drawing is based on an actual field survey made by me or under my direct supervision on the 3rd day of July, 2023 and that the results are correctly shown and said survey meets or exceeds the current Kansas Minimum Standards for a Plat or Certificate of Survey, to the best of my knowledge and belief.

10-26-23
Date

John B. Young PLS-1298

Location: S:\23.220 - 4500 & 4514 Lloyd St\DRAWINGS\2023.10.24 - FINAL PLAT\23.220-FPLAT.dwg-Oct 27, 2023-11:27am



8680A N. GREEN HILLS ROAD • KANSAS CITY, MO 64154
PHONE (816) 741-1017 • FAX (816) 741-1018

1	2	3	4	5	6	7	8	9	10	11	12
INITIAL SUBMITTAL	09-22-23	10-24-23									
REVISED PER CLIENT COMMENTS											

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

REGULAR SESSION
FEBRUARY 16, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, February 16, 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; Joe Monslow, Interim Director, Community Development; Stephanie Stauffer, Community Development Program Coordinator; Debbie Jonscher, Interim Chief Financial Officer; Brett Deichler, UG Clerk; and Brittnie MacDonald, UG Clerk's Office.

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

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

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

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

Mayor Garner said tonight, our invocation is going to be given by Pastor Ken Nettling of Grace Lutheran Church, followed immediately by the Pledge of Allegiance.

Mayor Garner asked, Clerk, are there any revisions to tonight's agenda?

Brett Deichler, UG Clerk, said, Mayor, we have three modifications to tonight's agenda. The first item, being Item No. 1 on the Mayor's Agenda, has been removed from the agenda tonight. Secondly, an update to tonight's Consent Agenda adjusting the expiration date on Item No. 1 from 2/10/2026 to 12/31/2025. Lastly, a new item was added to the Administrator's Agenda, Item No. 5, regarding an update on the Public Works Bio Solids Project, including a brief presentation. That represents all the modifications to tonight's agenda, sir.

MAYOR'S AGENDA

Item No. 1 – 212267...ANNOUNCEMENT: COUNTY ADMINISTRATOR

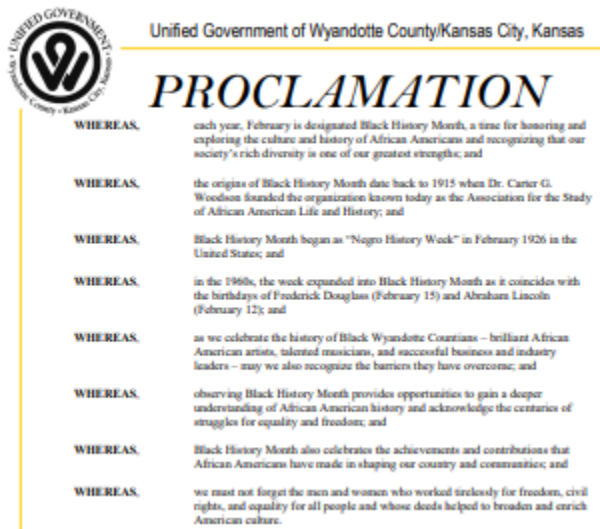
Synopsis: Announcement and consideration of a resolution regarding the appointment of a County Administrator, submitted by Tyrone A. Garner, Mayor/CEO.

Action: **Item was previously removed per the blue sheet.**

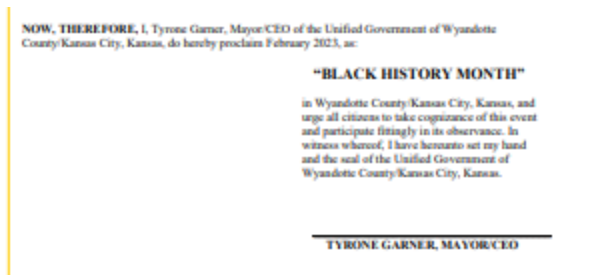
Item No. 2 – 212269...PROCLAMATION: BLACK HISTORY MONTH

Synopsis: Proclamation proclaiming February 2023, as Black History Month, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read a synopsis of the following proclamation.



February 16, 2023

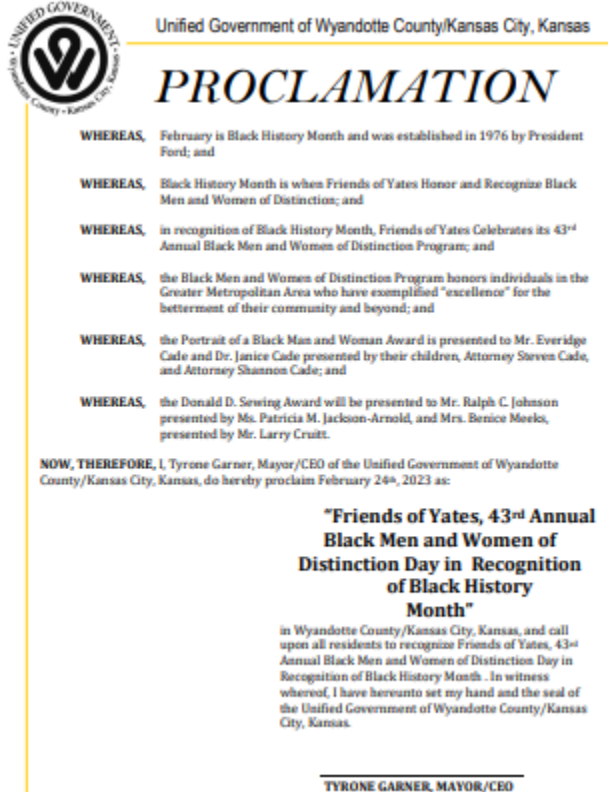


Action: Proclamation was read. .

Item No. 3 – 212270...PROCLAMATION: FRIENDS OF YATES, 43RD ANNUAL BLACK MEN AND WOMEN OF DISTINCTION DAY IN RECOGNITION OF BLACK HISTORY MONTH

Synopsis: Proclamation proclaiming February 24, 2023, as Friends of Yates, 43rd Annual Black Men and Women of Distinction Day in Recognition of Black History Month, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read a synopsis of the following proclamation.



Action: Proclamation was read.

February 16, 2023

CONSENT AGENDA

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

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

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

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

Item No. 1 – 212259...NOMINATIONS: BOARDS AND COMISSIONS

Synopsis: Nominations for Boards and Commissions:

Marcus Winn to the Law Enforcement Advisory Board from 2/16/2023 to 12/31/2023, submitted by Commissioner McKiernan.

Ladora Lattimore to the Law Enforcement Advisory Board from 2/16/2023 to 12/31/2025, submitted by Mayor Tyrone A. Garner.

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

Item No. 2 – MINUTES

Synopsis: Minutes from the full Commission meeting on December 15, 2022, and the Special Session meetings on December 15, 2022, and January 12, 2023.

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

Item No. 3 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated January 19, January 26, and February 2, 2023.

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

Item No. 4 – 212258...RESOLUTION: COUNTY INITIATIVE FOR FUNDING INFRASTRUCTURE (CIFI)

Synopsis: A resolution declaring that the County Initiative for Funding Infrastructure is necessary for street preservation and permanent maintenance activities. This resolution allocates the \$500,000 in funds approved in the 2023 budget between Kansas City, Bonner Springs, and Edwardsville, submitted by Jeff Fisher, Executive Director of Public Works. On February 13, 2023, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and fast track to the full Commission.

Action: **RESOLUTION NO. R-9-23**, “A resolution approving the County Initiative for Funding Infrastructure whereby the Unified Government Board of Commissioners hereby allocates the \$500,000 budget in the following manner: Kansas City, Kansas shall receive \$250,000, Bonner Springs, Kansas shall receive \$150,000, and Edwardsville, Kansas shall receive \$100,000.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Sites, Davis, Bynum.

PUBLIC HEARING AGENDA

Item No. 1 – 212158...RESOLUTION: HOME-ARP GRANT ALLOCATION PLAN

February 16, 2023

Synopsis: A presentation of the draft HOME-ARP Allocation Plan, submitted by Joe Monslow, Interim Director of Community Development. 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.

Mayor Garner said I'll ask Stephanie Stauffer, with the Community Development Department, to make some opening remarks.

Joe Monslow, Interim Director, Community Development, said we're here this evening on our resolution for our HOME-ARP Grant allocation. We are here for the public hearing. I would like to have Stephanie Stauffer, of staff, have a short presentation on that plan.

HOME -ARP Allocation Plan

UG Community Development Department

Stephanie Stauffer, Community Development Program Coordinator, said we're here to talk about HOME-ARP, which is a new grant that came out of the American Rescue Plan that comes from the US Department of Housing and Urban Development.

Annual HUD Grants to the UG



Community
Development
Block Grants:
\$2,189,834



HOME
Investment
Partnership
Program:
\$952,956



Emergency
Solutions
Grants:
\$195,473

For folks who may not be familiar with Community Development, we're funded every year from three grants from HUD and that's the Community Development Block Grant, Home Investment

February 16, 2023

Partnership Program Grant, and Emergency Solutions Grant. In total, last year those grants were a little more than \$3M. We could do a variety of community development activities with those grants. We can do housing development, housing rehab, and services for those who are low-moderate income.



HOME -ARP

- \$3,197,903 obligated to the UG by the American Rescue Plan Act
- Provides a rare opportunity to fund brick - and-mortar projects to support those who are experiencing homelessness or housing insecurity
- This program borrows aspects of the HOME and ESG programs however has a separate and distinct set of regulations
- Plan must be submitted to HUD by 3/31/2023
- Funds must be expended by 9/30/2030

Then HOME-ARP came through the American Rescue Plan. This is a one-time grant from HUD. We have received a grant. It's almost \$3.2M. It provides a rare opportunity to fund brick and mortar projects to support folks who are experiencing homelessness; who are experiencing housing security. This program borrows aspects of the Home Program and the ESG Program, but it is distinct and has its own set of regulations. So, folks who are familiar with those two programs could get tripped up. You have to understand this is its own program with its own definitions and its own rules.

In order to receive this grant, we have to submit an allocation plan to HUD, and that is due by March 31, 2023. In that allocation plan, we have done a lot of looking at different types of data, looking at needs in the community, and then identifying how we want to break up our funding into different eligible activity categories. Then those funds have a long spin-down period. We have until 2030 to spend them.

HOME -ARP Qualifying Populations

- Homeless (24 CFR 91.5)
- At-risk of Homelessness (24 CFR 91.5)
- Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, as defined by HUD in the Notice
- Other populations requiring services or housing assistance to prevent homelessness and other populations at greatest risk of housing instability, as defined by HUD in the Notice

In HOME-ARP, there are four qualifying populations for services. We have folks who are experiencing homelessness; folks who are at-risk of homelessness; fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, and that is defined by HUD in the notice. Then other populations requiring housing or services in order to remain housed.

Common Barriers to Housing



In doing the allocation plan, we talked to a variety of social service providers and tried to figure out what are some of the common barriers and needs of folks in our community and when it comes it comes to housing. We identified quite a few so availability of housing, affordability of housing, livability of that housing and whether it's safe. Folks experiencing discrimination, especially in regard to source of income. We know that folks who receive housing choice vouchers sometimes have trouble finding a landlord who's willing to rent to them with that assistance. History of evictions or criminal convictions, access to supportive services like behavioral health services, and then access to basic documents like an ID or a birth certificate.

CoC 2021 Point-in-Time Count

	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Total number of households	23	52	66	141
Total number of persons	27	55	68	150
Number of children (under age 18)	4	1	0	5
Number of persons age 18 to 24	2	0	0	2
Number of persons over age 24	21	54	68	143

We also looked at a bunch of data sources. One thing we looked at was the continuum of care point-in-time count. The continuum of care for our area is the Greater Kansas City Coalition to end homelessness. They serve both Wyandotte County and Jackson County on the Missouri side. However, we think that this number is really low for a variety of reasons. The point-in-time account is taken on one night in January every year. Folks go out to the community and try to get a headcount of who is experiencing homelessness in our community. Because we know that we have a really large deficit of shelter services in our community, we know that a lot of folks from Wyandotte County may find themselves on the other side of the state line to receive services. So, those folks wouldn't be captured in this count.

	2021 Total Contacts
Total	489
Gender Breakdown	
Female	137
Male	352
Breakdown by Race / Ethnicity	
White	269
Black	188
Asian or Pacific Islander	4
Hispanic or Latino	28

**2021
KCKPD
Contacts
with
Unhoused
Persons**

So, we looked at some alternative data sources as well. We looked at KCKPD, keeps track of the contacts they make with unhoused individuals in our community. For 2021, the total was 489. That's a pretty big difference between the continuum of care count and what KCKPD has. They shared with me that they think that this count could even be low because not everyone is going to have any reason to have contact with KCKPD.

HOME -ARP Eligible Activities

- Development of Non - Congregate Shelter Units
- Supportive Services
- Tenant Based Rental Assistance
- Development of HOME - ARP Rental Housing

Then we had to look at what eligible activities we want to fund with this grant. There are four major activities: development of non-congregate shelter units, supportive services, tenant-based rental assistance, and then development of HOME-ARP rental housing. Given the size of our grant, I think we know that our community needs all of these things; but our current grant isn't big enough to do that, so we had to kind of make some decisions on what was the priority and what we could fund with the size of the grant.

HOME -ARP Proposed Activities

**Acquisition/Rehabilitation/Construction
of Non -congregate Shelter Units**

- No lease or payment of rent required
- Each unit must meet habitability standards and contain sanitary facilities
- Operations costs are not eligible under HOME - ARP
- Units may be converted to permanent affordable rental housing after minimum use period (3 - 10 years) but must serve qualifying populations for 10 - 15 years total
- Preference will be given to those who are homeless or experiencing DV/SV, etc.

So, what we're proposing is position rehab or construction of non-congregate shelter units. This is a little bit different than what folks think of when they think of a shelter which is like an open room with like bunk beds or maybe it's a facility with dorm style rooms and community bathrooms. This wouldn't be like that. Everyone would have their own bathroom space and their own room where they could go and lock the door and have privacy.

HOME -ARP Proposed Activities

Supportive Services

- Case Management/Staffing Costs
- Financial Assistance in acquiring housing such as deposits, moving costs, first and last months rent, etc.
- Short term rental assistance
- Other stability costs listed in the regulation
- All HOME - ARP qualifying populations could apply for assistance

Then we also want to fund supportive services so that is case management, staffing costs, financial assistance for folks, and then other stability costs that are listed in the regulation.

HOME -ARP Proposed Activities

Non -Profit Capacity Building

- Only non -profit partners undertaking other HOME -ARP activities would be eligible
- Could include salaries of staff, employee training, equipment or supplies, contracts for technical assistance.

Non -profit Operating Support

- **Cannot** be used to support any portion of a HOME -ARP NCS project.
- Only non -profit partners undertaking other HOME -ARP activities would be eligible
- Can be used to support the general operating costs of the agency that are not allocable to other grants or funding sources.

Then we also want to fund a little bit of non-profit capacity building and operating support knowing that we're going to have to work with a partner to make sure that they have what they need in order to carry out these programs.

Proposed Budget

Grant reconciliation will occur regularly. Any funds requiring recapture from activities should be placed into Supportive Services fund.

Activity	Amount
Acquisition/Rehab/Development of Non - congregate Shelter Units	\$2,478,113
Supportive Services*	\$300,000
Non - Profit Capacity Building (1.5%)	\$50,000
Non - Profit Operating Support (1.5%)	\$50,000
UG Administration (10%)	\$319,790
TOTAL	\$3,197,903

This is our proposed budget. You can see the large majority of the funding is going towards this acquisition/rehab/development of a non-congregate shelter. We know that this is going to be an expensive project because construction costs are really high right now, so we really wanted to put the bulk of the money there. We've put a little bit of money in support of services and lesser amounts into non-profit assistance. Then we have to keep some aside so that we can administer the program ourselves in-house.

So, this is our proposed budget. I think if we go out and we're looking at a project for the shelter and we realize that we don't need all of that money, we do want to pull some of that back into supportive services. We put some contingency language in there for that; however, I think we probably will use this whole amount in acquisition and rehab.

That's all I have for my presentation.

Mayor Garner said I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments regarding this item. **Mr. Deichler** said no comments were received, sir. We do have hands raised in the audience and two hands raised online as well. **Mayor Garner** said if you can come forward and just state your name and address.

Rachel Russell, 1054 Forest Ct., said on behalf of the CHIP Safe and Affordable Housing Action Team, for which I serve as the lead staff person, I want to share our support for the outlined plan; however, I do want to remind this Commission that shelter is not a solution to ending homelessness. The CHIP Action Team, along with community members, have drafted a plan with short and long-term solutions that we hope to share with a broader community in late spring, early summer, with hopes of this Commission's adoption this fall or winter.

There are many strategies needed and emergency shelter is just one piece of that puzzle to address street homelessness in Wyandotte County. We look forward to this Commission and Mayor's Office involvement in identifying solutions while intentionally listening to the voices of those most impacted.

Lastly, I want to give a personal shout-out to Ms. Stauffer who has really leaned into the voices of providers and those closest to the issues, as well has been a frontline person with us along the way. She has attended meeting after meeting. Sometimes, I'm sure, our lingo she has not had

any idea what we're talking about. You know when people have those symbols that you're like what is that. But she really has been a community collaborator from the UG's perspective, and I just really—I don't want this work to go without mentioning that she has really done her job and done us justice. This is a big issue and this is not just one thing that one department or one non-profit or multiple non-profits can do alone, but really is a community effort.

So, I am grateful for the opportunity to help move this work forward through the CHIP Safe and Affordable Housing Action Team, but I'm more grateful for the opportunity to have someone at the UG who gets it. I'm not saying that everyone else doesn't get it, but you know what I mean I'm sure. So, thank you to Ms. Stauffer.

Rob Santel, Olathe, KS, said I'm the Director of Programs at Cross-Lines Community Outreach. Again, I will echo what Rachel said about Stephanie. Thank you, Stephanie, for all the hard work that you've done and those others in the community that have helped to put this plan together.

Again, I would like to remind all of us that the only solution that ends homelessness, is housing. That needs to be on all of our radar. While low barrier emergency shelter has been identified by the community as a priority need, emergency shelter is ineffective if not paired with adequate supportive services and housing supports. One of the most effective models is a navigation center, which provides bridge housing for the most vulnerable that are identified through street outreach in a highly service-rich environment.

Our community can be proud of the collaborative work amongst homeless service providers in Wyandotte County. Through these efforts, we've supported at least 200 households to exit the homeless system to permanent housing in the last year alone, yet more and more people continue to fall into homelessness each day.

Unfortunately, our community was not selected to receive the HUD supplemental funding to address unsheltered homelessness, and just recently announced; and consequently, additional funding is needed for supportive services to provide homeless street outreach and to help divert people from the shelter system through housing navigation to walk alongside people and help do that diversion work.

I'd highly encourage decision-makers to consider that additional funding for these supportive services. As Rachel mentioned, the CHIP Safe and Affordable Housing Action Team has been working to develop a framework with strategies and interventions to address the growing

homeless crisis in Kansas City, KS. Our community needs innovative community solutions to solve the housing crisis for those experiencing homelessness, and this will include leveraging additional funding sources as these HOME-ARP dollars will not be enough.

Lastly, throughout this process, we must be centering the voices of those currently experiencing homelessness in our community and addressing racial inequity in our system.

Mayor Garner asked, is there anyone else present who would like to speak? **Mr. Deichler** said, Mayor, we do have two online.

Elnora Jefferson, Kansas City, KS, said I'm calling to support the expenditures for the HOME-ARP as presented; however, I'd like to put a note in that as I look at the causes for homelessness and have followed a little bit of the CHIPS Program that addresses safe and affordable housing as well as this program, I noticed that there has been nothing, and correct me if I'm wrong, but I noticed that there has been nothing that addresses the eviction piece that's caused by foreclosure. Eviction, it seems to me, is also a cause for homelessness.

So, I'm just wanting to put this on the record that I believe that, in fact I know, that the UG as well as the supportive agencies looking at the issue of homelessness would do well, I believe, to actually look at our foreclosure process and if that is actually the best method of collecting taxes because it does create homelessness.

Louise Lynch, Co-founder of Community Conscious Action Network, said one of the things in watching these slides that perplexes me, there is nothing on these slides that addresses the elderly, the disabled that are our great need for homelessness needs in this community. There are lots of other things, including the shelters, don't always have the accommodations for those that have mobility issues such as myself. If I were to need to go to one of these shelters, it doesn't look like there's anything in any of these areas.

In knowing different people who have these needs to find housing when they become homeless, there is nothing in place, including the housing office there in Wyandotte. There's several months before they'll even look at an application, and the waiting list is quite long. People who are disabled and have mobility issues are not able to find the shelter, even in different weather situations. That is crucial. That needs to be looked at. That has not really been addressed in our

community. There are a different set of needs and for different types of disabilities, especially for those that have service animals. They, too, would need to be housed.

I have put many calls into Rachel Jefferson of Cross-Lines and still, in months, have not had that communication connected, which is very sad. There are many needs and I would think that would have...**Mr. Deichler** said one minute remaining.

Ms. Lynch said ...that we would be able to do that. So, I think before this goes further, there has to be a bigger discussion on what the needs are so that encompasses the entire community, not just those that are able-bodied.

Mr. Deichler said we see no others online, Mayor.

Mayor Garner said if there are no further comments from the public, I will close the public hearing. Do any members of the Commission have any questions?

Commissioner Ramirez said thank you, Stephanie and Joe for what you do for the community, and especially for leading this department. It's a very much needed department. You guys work tirelessly to provide these monies and try to provide and fund them in the appropriate way that's best for our community.

For the acquisition and rehab, is there a location that's been identified yet or is that still in the work? **Mr. Monslow** said at this time, I do not believe there is a location. **Commissioner Ramirez** said so it will come with time.

Commissioner Ramirez said I know when you presented this, Stephanie, to our committee, I was a big proponent of source of income discrimination laws. It's something most people don't know. You can have the perfect clean record of being a renter, but just because of where your income comes from, a landlord could deny your application. Just because it may be from alimony, maybe from the federal government, which, I believe, that shouldn't stop you from getting housing when you need it the most.

From what I've heard, it's been hundreds of housing vouchers always are sent back every year to HUD because we cannot find enough housing. It might not be all the landlords and it might be just we don't have enough housing in the city.

I agree with Rob. We need more housing in our community. That's a big thing that a lot of us on the Commission are for. I know particularly the Mayor as well. Housing is a big thing for all of us and that we're trying to do, but in the meantime, this is what we have.

I thank you for what you're doing every day to do this work.

Commissioner Bynum asked, Clerk, could we see the slides again because I just wanted to walk through a couple of them. Number one, it's HUD funding so there are rules and regulations. There are expenses that qualify and others that don't. Part of why I'm asking for this is just for the public's ability to be crystal clear and understanding a wonderful opportunity to have access to the funding.

If we could go to the slide, the first one is the supportive services.



These services on this slide are allowed under the funding and I think I saw \$300,000 in our proposed budget. Who would provide these services? **Ms. Stauffer** said we would work with non-profit agencies to provide the services. **Commissioner Bynum** said good, good answer.

Commissioner Bynum said and then we saw the \$50,000 capacity and \$50,000 non-profit operating support so, again, working with a non-profit partner.

Then, if we keep going to the slide with the budget...

Proposed Budget

Grant reconciliation will occur regularly. Any funds requiring recapture from activities should be placed into Supportive Services fund.

Activity	Amount
Acquisition/Rehab/Development of Non-congregate Shelter Units	\$2,478,113
Supportive Services*	\$300,000
Non-Profit Capacity Building (1.5%)	\$50,000
Non-Profit Operating Support (1.5%)	\$50,000
UG Administration (10%)	\$319,790
TOTAL	\$3,197,903

...\$2.4M would be the money we would use to acquire a place, or construct a place, which probably is not reasonable. But I just want to be clear that it could be a shelter, but it would be a place where there's privacy. There's individual rooms or rooms for families, access to your own restroom, etc. I just want to make sure people understand it's not a congregate shelter; it's a non-congregate shelter. So, it's a very specific thing that the money is to be allowed to be used for.

I, of course, agree with and support all the public comment and, of course, we appreciate Cross-Lines and all that you do.

We do need to hear the proposal for short and long-term solutions from CHIP, and we need to work with Cross-Lines in the future. All of those things are very, very important, and I want them to come forward and I want to support them. I just think it's really important that we and everyone else understand this is very specific. We have these other concerns and we've got to find other means to deal with them. This is very specific money, and we're very fortunate that it's available to us. So, I'm glad to hear you nodding your head yes.

Ms. Stauffer said I think the rules were only 98 pages long. **Commissioner Bynum** said only 98 pages is pretty good for HUD funding. Thank you very much.

Commissioner Davis said I do have a quick question for anyone from our Community Development Department. I'm looking on here and it talks about references for, I'm assuming, who would apply and who would get kind of this funding. Because these are federal dollars, how does that interact with our current procurement process as a Unified Government? **Ms. Stauffer** said I don't know that I understand your question.

Commissioner Davis said so the preference RFP process. You know what, I'm reading this and it does talk about it. I guess my question is, is that clause something that's from the federal government or is it something that you all decided? What's the genesis of that?

Ms. Stauffer said I think that there's two different issues at play here. There's how we select sub-recipients, which would be how we decide who we're going to work with as far as non-profit agencies to deliver the services and operate the shelter and those kind of things. Then there's also preferences for how we would prioritize individuals who apply to come into the shelter. So we've set up, at this point, preferences for folks who are literally homeless and folks who are fleeing violence to have first priority to access those services in the shelter. Then there are other activities, supportive services doesn't have preferences. Any of the qualifying populations could apply and get services. That is a requirement from the HOME-ARP Program that we do have to allow all four qualifying populations to be eligible for at least one of our activities.

Commissioner Davis said thank you. That was kind of my question.

Ms. Stauffer said as we're going through the RFP process we decide we need to set more specific purposes, we'll have to come back and do a plan amendment. So, some of this may get flushed out more as we know more about the specific activities that we're going to undertake.

Commissioner Ramirez said just a quick question that popped in my head. For this non-congregate site, are there going—I don't want to say—I don't want to use the word restrictions, but is there going to be like a certain amount of time the individuals will be able to maintain living within the non-congregate site?

Ms. Stauffer said HOME-ARP, as a program, doesn't set that limitation. I think that would be something we would want to discuss as we decide what the specific project is going to be and how that matches with the program model of the project. At this point, there's not like a restriction from HUD.

Mayor Garner asked, any other commissioners have questions?

Commissioner Townsend said a couple of questions. Some of the ones I had, I think, have been touched upon. I would ask Ms. Stauffer a couple of these. One, again, explain to me how these

monies can be accessed. What is the process that persons or entities who may qualify can actually access these dollars?

Ms. Stauffer said as far as entities that would apply to become a sub-recipient or help us run some of these programs, we will have some sort of formalized process like a grant application for them to apply. As far as individuals, they would, once the projects are selected and they're up and running, they would apply at the specific sub-recipient agencies.

Commissioner Townsend said I'm sorry. What was the last point that you said? **Ms. Stauffer** said for folks who are needing the services, they would apply with the sub-recipient agency. They would be running the program.

Commissioner Townsend said so someone tonight is about to be evicted because they can't make rent. How would they access those funds or do they need to go to some other agency who would then, in turn, make an appeal to your office?

Ms. Stauffer said at this time, we are just submitting the application to HUD. We will then have to wait for HUD to approve the plan and get back with us and we do grant agreements and all of those things. Then we would do some sort of competitive process so that non-profit agencies could apply for the funding, and then they would be the ones running the programs.

Commissioner Townsend said okay. So at this point, no individual who's about to be evicted could come directly to us. Is that correct? Okay. All right.

Commissioner Townsend said in terms of the grant category, would something like an appeal to our office for, I think it was the first category possibly of the funds—let's say if someone is trying to obtain a home and they may be in a geographic area of the city that has been historically redlined and denied access to loans, would any of these funds, particularly that first category, qualify for an application?

Ms. Stauffer said this funding can't be used for any sort of home ownership type programs (inaudible) ineligible expense. **Commissioner Townsend** said but possibly rent. **Ms. Stauffer** said yeah, under the supportive services category.

Mayor Garner asked, any more comments or questions from the Commission? Hearing none, I'll entertain a motion for approval of the resolution.

Action: **RESOLUTION NO. R-10-23**, “A resolution for the acceptance of federal funds by the Unified Government of Wyandotte County/Kansas City, Kansas for homelessness assistance and supportive services, and to authorize the Mayor to enter into agreements with the U.S. Department of Housing and Urban Development.” **Commissioner Markley made a motion, seconded by Commissioner Bynum, to adopt the resolution.**

Mayor Garner said there’s a motion and a second. Any further discussion? Seeing none, roll call, please.

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

STANDING COMMITTEE’S AGENDA

Item No. 1 – 212232...RESOLUTION: AMENDING SECTION 203 OF THE UNIFIED GOVERNMENT’S RULES OF PROCEDURE

Synopsis: A resolution amending Section 203 of the Unified Government’s Rules of Procedure as directed by the Commission on January 12, 2023, submitted by Misty Brown, Chief Counsel. This item was previously heard by the full Commission on January 26, 2023, and remanded back to the standing committee for further action. On February 13, 2023, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and fast track to the full commission.

Mayor Garner said this is the compromise resolution. It has been vetted out by this Commission and administration, and Human Services Standing Committee. I’ll ask our Chief Counsel Misty Brown to make the presentation. Sorry. She wants to defer to Commissioner Markley.

Commissioner Markley said this is a combination, I guess I would say, of the compromise language and the original language. It does give the mayor what we discussed as the one-time go-back. It resolves some of the language issues that were of concern last time this full Commission discussed this item. It is only on the Non-Consent Agenda because it was fast tracked at the will

of that committee. It was approved by all committee members. If there are no questions, I will move for approval.

Action: **RESOLUTION NO. R-11-23**, “A resolution amending original Section 203 of the Unified Government Commission Standing Committee Rules of Procedure as codified in Appendix C of the Unified Government Code of Ordinances; and repealing original Section 203 of Appendix C of the Unified Government Commission Standing Committee Rules of Procedure.” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.**

Mayor Garner said there’s a motion and a second. Any further discussion? Seeing none, roll call.

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

ADMINISTRATOR’S AGENDA

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

Synopsis: Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Mayor Garner said our presentation will be from Commissioner Markley. I’ll allow her to make the opening remarks.

Commissioner Markley said really, I just want to give an update on the ARPA process, and for the purpose of the public, to say checks are being given out to those agencies that were recipients of ARPA funds from this Commission. They have to sign an agreement first to get their funds so most agencies are already into that process. If you are an agency that received funds through that ARPA process and you have not met with staff to get your agreement signed, then that is the hold up. Make your appointment to meet with staff so that you can get your check and get moving, but

checks are being given out and agreements are being signed, and we're moving right along with that process.

Action: **For information only.**

Item No. 2 – 212233...ORDINANCE/RESOLUTION: SALE OF GENERAL OBLIGATION IMPROVEMENT BONDS

Synopsis: An ordinance authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2023-A, and a resolution authorizing and directing the sale and delivery of General Obligation Improvement Bonds, Series 2023-A, submitted by Deborah Jonscher, Acting Chief Financial Officer.

Mayor Garner said I'll ask the Administrator to comment.

Cheryl Harrison-Lee, Interim County Administrator, said we have our Acting CFO, Ms. Jonscher, to make a presentation at this time on the sale of our general obligation bonds.



Sale Results & Credit Ratings

2023 GO Bonds & Temporary Notes

February 16, 2023

Debbie Jonscher, Acting Chief Financial Officer, said I have a short presentation to give the results of our sale.

February 16, 2023

Financing Calendar



2023 FEBRUARY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
01	02	03	04	05	06	07
08	09	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

2023 MARCH

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
01	02	03	04	05	06	07
08	09	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Credit Rating Presentations

- Feb 01: Rating
- Feb 02: Rating
- Feb 03: Rating
- Feb 04: Rating
- Feb 05: Rating
- Feb 06: Rating
- Feb 07: Rating
- Feb 08: Rating
- Feb 09: Rating
- Feb 10: Rating
- Feb 11: Rating
- Feb 12: Rating
- Feb 13: Rating
- Feb 14: Rating
- Feb 15: Rating
- Feb 16: Rating
- Feb 17: Rating
- Feb 18: Rating
- Feb 19: Rating
- Feb 20: Rating
- Feb 21: Rating
- Feb 22: Rating
- Feb 23: Rating
- Feb 24: Rating
- Feb 25: Rating
- Feb 26: Rating
- Feb 27: Rating
- Feb 28: Rating
- Feb 29: Rating
- Feb 30: Rating
- Feb 31: Rating

2
February 2023

Unified Government of Wyandotte County, Kansas City, KS
2023 General Obligation Bonds & Notes

Today, we held the pricing for the temporary notes and bonds for 2023. I just wanted to note on the calendar that we held credit rating presentations the week of January 30th, and I'll have a slide on the results of that here in just a second. So, we're pricing today and then with everything being approved, we would plan to close next month and then we would proceed with the payoff of the current temp notes.

Pricing / Sale Results



Competitive Sale marketed on www.wycokckbonds.org and <https://bondcalendar.bakertilly.com>

2023-A		\$40.8M principal	6 bids	• Citigroup Global Markets, Inc. • \$19.7M TIC or 3.72% thru Aug 2043
2023-I		\$44.6M principal	4 bids	• J.P. Morgan Securities, LLC • \$1.86M TIC or 3.65% thru Apr 2024
2023-II		\$6.48M principal	4 bids	• Oppenheimer & Co., Inc • \$287K TIC or 4.09% thru Apr 2024

3

Unified Government of Wyandotte County, Kansas City, KS
2023 General Obligation Bonds & Notes

For the results, we had three issues today going to the market. We had a bond issue, this 2023-A. It was a \$40.8M principal bond. We received six bids with Citigroup Global Markets having the winning bid. Their interest rate was 3.72%. This is a 20-year bond, and it will mature in August 2043. Over the life of that bond, it will pay \$19.7M in interest.

February 16, 2023

The next issue was a temporary note. This is a one-year note, 2023-I. It was \$44.6M. It received four bids with J.P. Morgan Securities getting the winning bid of 3.65%. Since it is a one year, it matures in April 2024. Over that time, it'll pay \$1.86M in interest.

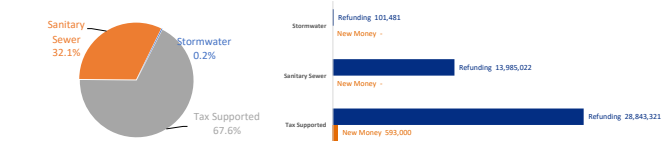
The last issue is the 2023—oh, and I will note the 2023-I was a city temporary note. So the 2023-II is a county temporary note for \$6.48M. We also received four bids on that issue with Oppenheimer & Co. having the winning bid. That temporary note was 4.09%. It's a one year so it matures in April 2024. Over the year, it will pay \$287K.

I did just also want to note. The bonds are advertised on a muniplatform so that they can see what is for sale and we just did want to note that we got some statistics today that we had about 671 unique views to the website looking at our bonds, so we did have some interest in the bonds.

City GO Bond Series 2023-A



	Tax Supported Improvements	Sanitary Sewer Improvements	Stormwater Improvements	Issue Summary
Sources Of Funds				
Par Amount of Bonds	\$27,406,000.00	\$13,265,000.00	\$95,000.00	\$40,766,000.00
Reoffering Premium	2,539,500.25	960,162.90	8,114.70	3,507,777.85
Total Sources	\$29,944,500.25	\$14,225,162.90	\$103,114.70	\$44,272,777.85
Uses Of Funds				
Deposit to Project Construction Fund	16,684,810.26	13,985,022.04	101,480.58	30,771,312.88
Deposit to Current Refunding Fund	12,751,510.79	-	-	12,751,510.79
Total Underwriter's Discount (1.382%)	378,799.50	183,352.50	1,313.12	563,465.12
Costs of Issuance	90,482.47	43,796.75	313.67	134,592.89
Gross Bond Insurance Premium	31,459.19	16,436.37	114.32	48,009.88
Rounding Amount	7,438.04	(3,444.76)	(106.99)	3,886.29
Total Uses	\$29,944,500.25	\$14,225,162.90	\$103,114.70	\$44,272,777.85



4
February 2023

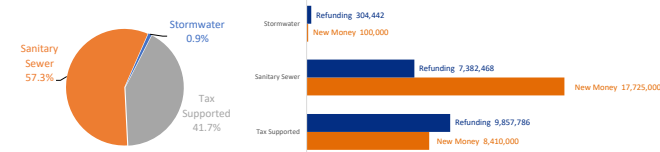
Unified Government of Wyandotte County, Kansas City, KS
2023 General Obligation Bonds & Notes

These next couple of slides just kind of give the breakdown for each of them. This is the city GO bond so it just shows the projects that are supported with property tax versus sewer and storm water rates. Down at the bottom, I'll just kind of point to the graph: 57% of the issue will be paid back with property tax revenues, 32% of sanitary sewer, and then 0.2% is storm water. The majority of this, almost all of it was just refunding from the prior temp notes. There was a small amount of new money that was added to the issue, \$593,000. I believe both of those were road projects. They might have even been ones that were reimbursed in the resolution last year when we did the issue.

City GO Temporary Note Series 2023-I



	Tax Supported Improvements	Sanitary Sewer Improvements	Stormwater Improvements	Issue Summary
Sources Of Funds				
Par Amount of Bonds	\$18,640,000.00	\$25,610,000.00	\$415,000.00	\$44,665,000.00
Reoffering Premium	69,154.40	95,013.10	1,539.65	165,707.15
Total Sources	\$18,709,154.40	\$25,705,013.10	\$416,539.65	\$44,830,707.15
Uses Of Funds				
Deposit to Project Construction Fund	18,267,785.64	25,107,468.08	404,441.76	43,779,695.48
Deposit to Capitalized Interest	403,866.67	554,883.33	8,991.67	967,741.67
Costs of Issuance	31,312.94	43,021.67	697.14	75,031.75
Total Underwriter's Discount	2,423.20	3,329.30	53.95	5,806.45
Rounding Amount	3,765.95	(3,689.28)	2,355.13	2,431.80
Total Uses	\$18,709,154.40	\$25,705,013.10	\$416,539.65	\$44,830,707.15



5
February 2023

Unified Government of Wyandotte County, Kansas City, KS
2023 General Obligation Bonds & Notes

On the temp note series, same information kind, of broken out. This one down at the bottom, you'll see that 41.7% is supported with property tax, 57.3% is sanitary sewer, and 0.9% is storm water. We've kind of broken out how much—about \$17.5M of that was rolled over from the previous temp note to this year's temporary note, and the about \$26.2M was new funds that were added from projects that were previously approved in the budget.

City GO Temporary Note Series 2023-II



Sources Of Funds	
Par Amount of Bonds	\$6,480,000.00
Reoffering Premium	34,408.80
Total Sources	6,514,408.80
Uses Of Funds	
Deposit to Improvement Fund	6,322,000.00
Deposit to Debt Service Fund (Capitali;	149,175.00
Total Underwriter's Discount (0.375%)	24,300.00
Costs of Issuance	17,107.09
Miscellaneous (Rounding)	1,826.71
Total Uses	6,514,408.80

6
February 2023

Unified Government of Wyandotte County, Kansas City, KS
2023 General Obligation Bonds & Notes

Then the final series is the county issue, and it was a smaller issue at \$6.48M. So, it just shows the sources and uses for this one. These were wo equipment projects.

Credit Rating Affirmed

S&P: AA (Outlook: Stable) – February 9, 2023

Moody's: A1 (Outlook: Stable) – February 9, 2023



STANDARD
& POOR'S
Moody's
INVESTORS SERVICE

Comments	Reflects the strength of the UG's management team, which has demonstrated a history of conservative budgeting practices, leading to actual results outperforming budgeted assumptions.
Upgrade	Strengthening of reserves - Substantial decline in debt and pension profile. - Improvement in economic indicators, such as wealth and income, relative to peers
Downgrade	- Following a 2-mill reduction in FY 2023, the forecast shows a budget gap - If operating deficits lead to reserves falling below the UG's policy levels and are not replenished within a reasonable timeframe

7

Unified Government of Wyandotte County, Kansas City, KS
2023 General Obligation Bonds & Notes

As I mentioned, we had our credit rating calls in at the end of January. Both Standard & Poor's and Moody's upheld, affirmed our current ratings. S&P has us at an AA with a stable outlook. Moody's has us at an A1 with a stable outlook. A1 is the highest rating in the A category.

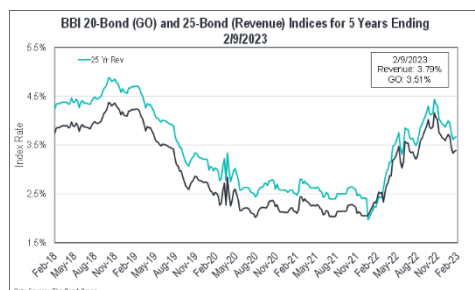
Just a few comments. Both comments from both rating agencies were about the same. Basically they made comments about the strength of our management team, our history of conservative budgeting practices, and outperforming budgeted assumptions.

They both mentioned pretty much the same instances where we could either see an upgrade or a downgrade in the rating. For an upgrade: strengthening of the reserves, decline in debt, and then improvement in economic indicators relative to our peers.

For a downgrade, they basically noted that if we have operating deficits that lead to reserves falling below the UG's policy levels and there's no plan to replenish them within a reasonable timeframe, that could also lead to a downgrade.

February 16, 2023

Bond Buyer Index – Interest Rate Trends



Municipal market currently has a "flat yield curve", meaning short term debt and long-term debt have similar rates

8
February 2023
Unified Government of Wyandotte County, Kansas City, KS
2023 General Obligation Bonds & Notes

This is just a graph from the bond rate index just showing the interest rate trends. The black line is the 20-year bond GO rate, and the kind of green or teal colored line is a 25-year revenue bond rate. This is for up through February 2023. It's kind of shown where those rates have been over the last several years.

I just want to note, as of February 9th, which was a week before our rating, the GO bond rate was 3.51%. Also, just wanted to note there that you don't see the municipal curve on this graph; however, right now that's a flat yield curve which means that your short-term and your long-term debt have very similar rates. I think we saw that today. Our long-term bonds have a 3.72% rate, and our short-term notes have a 3.65% rate.

Commission Action:



Approve bond resolutions & ordinance

1. Ordinance and Resolution:
 - Sale of City General Obligation Bonds, Series 2023-A
2. Resolution:
 - Sale of City Municipal Temporary Notes Series 2023-I
3. Resolution:
 - Sale of County Municipal Temporary Notes Series 2023-II

9
February 2023
Unified Government of Wyandotte County, Kansas City, KS
2023 General Obligation Bonds & Notes

February 16, 2023

Lastly, just the action that we're here tonight for is we're asking for approval of the bond resolutions and ordinance. We have three items. The first one is the ordinance and resolution for the sale of general obligation bonds. Then Items 2 and 3 are for the sale of municipal temporary notes for the city issue and the county issue.

I just did want to give a kind of thanks to we have staff here from both Gilmore & Bell, our bond counsel, and Baker Tilly, our financial advisor, who are heavily involved in putting all of this together so that over the last several months that we've been working on this.

With that, I'll stand for any questions.

Mayor Garner asked, questions from commissioners?

Commissioner Johnson said I wanted to move for approval, but I will say not in the interest of saying I told you so, but in the sense of the will of this Commission, we need to be very careful about wanting and desiring to lower our mill levy. It's already shown up as an independent observation what we've done already should be enough. So, I only put that as a tab as we start dialogue about 2024 budget, for us to be mindful of that as we look at that.

Commissioner Ramirez said my question is like, I guess, more procedural. Do we need to do three separate votes or can we do one together? It has to be three. Okay. Thank you.

Commissioner Davis said I think this report and those interest rates are great and really speak to what an objective, a really juggernaut in the financial industry like Moody's and S&P, said about our team, so congratulations. That's a big deal that we are able to get those rates.

Commissioner Davis said for the community and those who are unaware, could you speak to, just briefly, how the credit rating system works, right? If I say A1, AAA, or BBB, the average person, they don't know what that means, right, because our financial credit rating system is on a number, right, system while for governing institutions, it's on kind of a mix of letters and numerical system. So, can you speak to that a little bit?

Ms. Jonscher said AAA is the highest rating and then it goes down from there. So you have AAA, AA, A, and then you go into the B category. You also go as far down as being unrated.

So, investors use that rating to determine their risks in buying these investments. So, obviously, the higher the rating, the lower they feel like there's less risk. So, if you're being downgraded and you keep going lower, obviously your investors would see that and perceive that to be a risk. So when you're looking at investing in a 20-year bond is that bond going to pay off and are you going to get your investment back over that 20-year time. So, that's how they look at that rating. We get that rating and then they review that before they look at our bonds.

Commissioner Davis said so in other words, A1, am I saying it correctly? A1 is a rating for S&P's. It's pretty good. **Ms. Jonscher** said S&P's is AA. Obviously, we'd like to be at AAA. That would be our goal to be at AAA, but we're at AA. At Moody's we were prior to, I think, 2014, we were at AA for them, but then we got downgraded into the single A category. So, we're at the highest level in the single A. If we were to get upgraded by Moody's, we would go into the AA category.

Commissioner Davis said gotcha. I just wanted to highlight the efforts of you all's team. Obviously, we've talked a lot about the deficit and a lot about debt, so it's great that we got those interest rates.

Mayor Garner asked, do any other commissioners have any questions or comments? All right. We've got to take a vote on each one of these Items 2, 3, and 4.

Action: **ORDINANCE NO. O-11-23**, "An ordinance authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2023-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 Johnson made a motion, seconded by Commissioner McKiernan, to approve the ordinance.

Action: **RESOLUTION NO. R-12-23**, "A resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Improvement Bonds, Series 2023-A, of the Unified Government of Wyandotte

County/Kansas City, Kansas, previously authorized by Ordinance No. O-11-23 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 Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Sites, Davis, Bynum.

Mayor Garner said I’ve got a motion and a second on Item No. 2, an ordinance and resolution for the issuance of sale of General Obligation Improvement Bonds, Series 2023-A. Clerk.

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

Item No. 3 – 212234...RESOLUTION: SALE OF GENERAL OBLIGATION NOTES (CITY)

Synopsis: A resolution authorizing and directing the issuance, sale and delivery of Municipal Temporary Notes, Series 2023-I, presented by Deborah Jonscher, Acting Chief Financial Officer.

Mayor Garner said I’ll entertain a motion for approval of Item No. 3, a resolution for the issuance and sale of Municipal Temporary Notes for the city, Series 2023-I.

Action: **RESOLUTION NO. R-13-23**, “A resolution authorizing and directing the issuance, sale and delivery of Municipal Temporary Notes, Series 2023-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 Ramirez made a motion, seconded by Commissioner Johnson, to adopt the resolution.**

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

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

Item No. 4 – 212235...RESOLUTION: SALE OF GENERAL OBLIGATION NOTES (COUNTY)

Synopsis: A resolution authorizing and directing the issuance, sale and delivery of Municipal Temporary Notes, Series 2023-II, presented by Deborah Jonscher, Acting Chief Financial Officer.

Mayor Garner said I’ll entertain a motion for approval of Item No. 4, which is a resolution for the issuance and sale of Municipal Temporary Notes for the county, Series 2023-II.

Action: **RESOLUTION NO. R-14-23**, “A resolution authorizing and directing the issuance, sale and delivery of Municipal Temporary Notes, Series 2023-II (Wyandotte County projects), 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 Johnson made a motion, seconded by Commissioner Ramirez, to adopt the resolution.**

Mayor Garner said there’s a motion and a second. Any further discussion? Seeing none, roll call, please, Clerk.

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

Item No. 5 – 212238....PRESENTATION: BIOSOLIDS

Synopsis: A presentation of the assessment conducted by Nancy Zielke, Managing Director, Alvarez & Marsal Public Sector Services, LLC, related to biosolids, submitted by the County Administrator's Office.

Mayor Garner said I'll ask Ms. Harrison-Lee, our Interim County Administrator, to make some opening remarks.

Cheryl Harrison-Lee, Interim County Administrator, said after much discussion with the Commission, the Unified Government engaged in independent third-party to review and make an assessment of the investment that we're making at our wastewater treatment facility as well as the return on that investment. This item was presented at our standing committee. It is being presented tonight with an update by Nancy Zielke, who is the independent consultant that has been asked to review the citizen/county's investment in this project.



Nancy Zielke, Alvarez & Marsal Public Sector Services, 1100 Walnut, downtown KCMO, said I'm also a resident of Wyandotte County living in the area of 124th & Hollingsworth Rd. Like the County Administrator indicated, we were asked to provide an independent assessment as it relates to where the project is at from an investment perspective as well as kind of the overall value that we see within this project. First of all, no one can dispute that improvements are needed to your Kaw facility. In fact, the facility was built in 1960 and the age of the facility, as well as some of the problems you've had over the years, is related to requiring improvements being needed; as

well as most recently, as part of your decision with the consent decree with the EPA and the Department of Justice, commitments were also made to make improvements to your sanitary system as well.

Purpose & Objectives of Assessment

(Page 4)

The Unified Government of Wyandotte County/Kansas City, Kansas ("Unified Government" or "UG") engaged Alvarez & Marsal Public Sector Services, LLC ("A&M") to perform an independent assessment of the economic benefits and capital investment considerations of its current Kaw Point Wastewater Treatment Facility Biosolids Capital Improvement Project.

The current Kaw Point Wastewater Treatment Facility (Kaw Point) has been built in the 1960's as the one primary sewerage treatment plants for the City. The Kaw Point is in need of major repairs and modernization to allow the UG to dispose of biosolids through land-application instead of landfilling in order to save money and provide increased flexibility. Additionally, the biogas byproduct will be harvested for additional revenue to help offset costs.

The Kaw Point Biosolids Project is a major initiative to also support the Unified Government's economic development plan to support environmental, social, and governance policy efforts to promote expanded development within Kansas City, Kansas. The project is also part of the City's efforts to address the 2022 Consent Decree with the U.S. Environmental Protection Agency ("EPA") and the U.S. Department of Justice ("DOJ").

Key project assessment components include:

- Current Project Investment
- Project Timeline and Key Milestones
- Assessment of Revised Biosolids CMIP Construction Analysis
- Future State Operating Cost and Investment Analysis
- Economic Impact of Project to Kansas City Sewer System Rate Payers
- Return on Investment Analysis
- Alternative Proposal Considerations
- Recommendations

Preliminary Draft Report – As of Feb. 16

2

ALVAREZ & MARSAL

I'm not going to go through a 61-page report. I promised Commissioner Kane I would not do that this evening; however, I know eight of you, like we've spoken before in the standing committee meetings, I appreciated the time and effort. Our report looked at eight major areas. We looked at, first of all, what's the overall project investment? How much has the Unified Government spent to date? We've provided to the Commission a very detailed timeline as it relates to where the project started in 2012 and kind of major milestones throughout the years, basically really starting in 2016 and going most recently through the middle of last year.

We've taken a look also. I know the Commission, and talking initially with Commissioner Burroughs as well as Commissioner Bynum as the two standing commission chairs, there's a lot of questions as it relates to the construction costs or the engineering costs. Now how did we get from \$4M to \$100M? We're going to kind of walk you through kind of the sequencing of those project increases.

We've taken a look at the operating costs, the future operating costs and what the estimates are. Secondly, what's the impact of the project to current as well as future sewer rates; a draft return on investment analysis. We're still waiting for some information and clarification on revenue assumptions. So, it's kind of a preliminary assessment. We looked at alternative proposals. I'll kind of wait and talk about that, and finally some recommendations that we're providing to the Commission.

February 16, 2023

Funding Sources for Project Investment as of December 31, 2022

The UG has issued a combined project financing of \$8.2 million in Temporary Notes and long-term G.O. Debt over the past four years

Project to Date (Cash) Funding Sources					
Funding Source	2019	2020	2021	2022	Project to Date Total
Short Term Borrowings - Temporary Notes					
Temporary Note Proceeds	\$3,010,457.60	\$4,098,202.60		\$4,033,877.24	\$11,142,537.44
Temporary Note Payoff	\$-	\$(3,010,457.60)	\$(4,098,202.60)	\$-	\$(7,108,660.20)
Debt Premium	\$1,509.37	\$4,835.88	\$289,378.73	\$6,252.83	
Total - Temporary Notes	\$3,011,966.97	\$1,092,580.88	\$(3,808,823.87)	\$4,040,130.07	\$4,033,877.24
Long Term Borrowings - G.O. Bonds					
G.O. Bonds - Series 2021A	\$-	\$-	\$3,896,893.05	\$-	\$3,896,893.05
Debt Premium	\$-	\$-	\$289,378.73	\$-	\$289,378.73
Total - G.O. Bonds	\$-	\$-	\$4,186,271.78	\$-	\$4,186,271.78
Total - Project to Date Sources	\$3,011,966.97	\$1,092,580.88	\$77,447.91	\$4,040,130.07	\$8,220,149.02

First of all, let's talk about the funding sources. How much has the Unified Government committed and actual money to date. What we found is that \$8.2M has been committed by the governing body. Out of that, \$4M represents temporary notes that have been issued over the past several years. Then, an additional \$4.1M in GO debt that the Commission had approved for issuance in 2021. So, approximately \$8.2M that you've had in the city treasury to fund the project to date.

Project Spending to Date – Continued

CMIP planning, design, and oversight costs for the Kaw Pont Biosolids Facility improvement total \$4.3 million as of December 31, 2022

Observations & Findings	Summary of Project to Date Spending	
	Vendor	Project Spend To Date Total
- A&M was able to tie submitted vendor invoices to actual Accounts Payable invoice payments - We found one invoice where an invoice was split between two purchase orders for the same vendor and four invoices where the invoice professional titles and rates did not match to the contract rate schedules. - Public Works staff costs spent on CMIP projects are not tracked to report internal costs for CMIP initiatives. - Annual rate increases for On-Call Engineering services did not have an approved signature by the County Administrator and the General Counsel. (Current policy does not require signatures for Statement of Work and/or fee increases) - Original On-Call Engineering Contracts were signed by the County Administrator; however, we could find where the Biosolids CMIP Statement of Work or related Amendment had been approved by the County Administrator (Current Policy does not require signatures)	Black & Veatch Corporation	\$82,612.50
	Burns & McDonnell Engineering	\$52,962.69
	Energy Systems Group, LLC	\$2,185,530.25
	HDR Engineering Inc	\$757,553.32
	Springsted	\$4,310.00
UG's Contract Clearance Form for Construction Projects is only routed for various internal approvals for amendments, change orders, or other project cost of over \$10,000.	UG Water Partners	\$1,259,038.45
	Total Project Spend To Date	\$4,342,007.21

Secondly, we looked at spending. Spending through, for the most part, as of December 31st, we had seen \$4.3M in actual. I want to say the CMI piece, and I mean monies for the specific six general contractors who are currently doing a lot of the engineering and planning work with the project. As you can see here, the largest expense is going out to your two design build contractors. First Energy Systems Group, which was your first design build contractor, and then currently UG Water Partners, at \$1.3M represents the largest percent of that. Additionally, three smaller contracts. Black & Veatch had done some of your preliminary planning work in 2012 as well as 2018. Burns & McDonnell still has a small contract as well for some of the projections and

modeling. Your owner/rep HDR year-to-date spending of \$757K as well as some earlier work that Springstead, your financial advisor, had done on some rate analysis.

What we found, one of the first things we did is we matched all of the invoices that came in with the vendor. We made sure that we could see them actually being paid. But the same time, we matched those invoices back to contracts. We found in four situations where the invoice, the professional title and the rate, did not tie back to the actual contract amount itself. Secondly, we did find one invoice that was split between two purchase orders. Probably not the best accounting practice as well. So some improvements we could see in that area.

One of the things that we did find in talking to the staff is the fact that engineering costs, the cost of your own staff, is not tracked. So, when we ask the question, how much of your own investment spend have you spent on a project. The fact that it's not being tracked, so it's one of the recommendations that moving forward with your new Workday system, that you keep track of time spent on major initiatives as well as capital projects.

Thirdly what we found is the fact that several of the contracts for several of the consultants are from your on-call engineering service contracts. These were let in 2016. What we found is that the original contracts had been signed, but the statement of work related to those services was not executed by the county administrator or the general counsel. Even though your procurement policy does not require that, as a recommendation, we are making that moving forward, any statement of work related to on-call services, should be approved by the administrator as well as general counsel.

We also saw that fee increases and sometimes the contracts on-call do allow for annual increases in professional fees. We also saw that those had not been approved. And, again, your procurement policy does not require this, but we are recommending that moving forward that the administrator and general counsel also sign off on those.

Overview of Work Performed Project To Date (P)

In review of invoices paid we noted the following progress and work completed to date

Observations & Findings

30% Design Development - Creation of a preliminary 3D model - The development of the following facility improvements: - Site Civil - Architectural - Structural - Mechanical Process - Mechanical HVAC / Plumbing - Electrical Power - Instrumentation and Controls - The facilitation of design review workshops with the Unified Government - Provide design specifications to support review and comment	30% Price-Schedule Development - Updating the cost model including both design, construction, and commissioning of the facilities - Updating the project schedule based on the preliminary design, equipment proposals, and regulatory review timelines - Updating the project risk register identifying risk-based contingency and potential risk mitigation strategies - The timeline in the executed UG Water Partners contract ends at the 60% design development phase of the Kaw Point biosolids facility	Deliverables due at 30% design milestone 3D model - Preliminary drawing set - List of anticipated drawings - Draft Specification Table of Contents - Major equipment inventory - Summary-level project cost model - Life-cycle Cost Savings - Updated project schedule - Updated Risk Register
--	---	---

60% design development work, the Unified Government will assess performance and review any

so work

Chapter 61

Preliminary Draft Report – As of Feb. 16

So, work to date. In talking first of all with your Public Works staff, I need to really compliment and appreciate the great effort from Trent Foglesong as well as Jeff Fisher and Sam Her in providing significant information, as well as your purchasing manager and the county clerk in providing us a wealth of documents, everything from the accounts payable documents to contract documents.

But in talking with Trent and Jeff, we, as well as looking at the invoices, we mapped out where you're at in the project. So, basically at this point or at the end of December, you're about 30% of the project being completed; 30% of the design development, 30% of the price schedule, as well as 30% of meeting your various milestones. I think it's important for the Commission to understand the timeline currently with the UG Water Partners; the fact that the contract ends once they reach 60% of the design development phase. Currently they're at 30%. In talking with Public Works, they had estimated that probably by early summer, probably in the June/July timeframe, is probably where they would probably be reaching the 60%. The Unified Government will then need to make a decision of how to move forward based on the performance of UG Water Partners.

Project Spending to Date – Continued

CMIP planning, design, and oversight costs for the Kaw Pont Biosolids Facility improvement total \$4.3 million as of December 31, 2022

Observations & Findings

- A&M was able to tie submitted vendor invoices to actual Accounts Payable invoice payments
- We found one invoice where an invoice was split between two purchase orders for the same vendor and four invoices where the invoice professional titles and rates did not match to the contract rate schedules.
- Public Works staff costs spent on CMIP projects are not tracked to report internal costs for CMIP initiatives.
- Annual rate increases for On-Call Engineering services did not have an approved signature by the County Administrator and the General Counsel. (Current policy does not require signatures for Statement of Work and/or fee increases)
- Original On-Call Engineering Contracts were signed by the County Administrator; however, we could find where the Biosolids CMIP Statement of Work or related Amendment had been approved by the County Administrator (Current Policy does not require signatures)

Summary of Project to Date Spending

Vendor	Project Spend To Date Total
Black & Veatch Corporation	\$ 82,612.50
Burns & McDonnell Engineering	\$ 52,962.69
Energy Systems Group, LLC	\$ 2,185,530.25
HDR Engineering Inc	\$ 757,553.32
Springsted	\$ 4,310.00
UG Water Partners	\$ 1,259,038.45
Total Project Spend To Date	\$ 4,342,007.21

UG's Contract Clearance Form for Construction Projects is only routed for various internal approvals for amendments to the contract. The contract is not approved by the County Administrator.

Certainly, as I talked about the major vendors—Black & Veatch headquarters in Kansas City, MO; Burns & McDonnell headquarters; Energy Systems, your design partners. UG Water Partners, I think, it was important in the report I provide a full listing of kind of the partnership as it relates to UG Partners.

Two main partners currently at a 50% joint venture is between Burns & McDonnell and a firm called CAS Contractors. They're a wholly owned subsidiary of a group by the name of Alberici, I'm not going to try to pronounce that, but a major construction firm here in the Midwest.

Along with those two firms, there's seven other partners that are part of the UG Water Partners. They're providing everything from the building part as well as the sales strategy and finally providing the regulatory and compliance. Again, the full report kind of lists all of those, kind of the partnership and the partnership agreements.

Summary of Biosolids CMIP Expenses To Date

Investment or sunk costs for the Biosolids CMIP Project total \$9.7 million including the required repayment of the 2021 G.O. Bonds for the capital project

Summary of Biosolids CMIP Project Investment to Date

	Total \$\$
CMIP Project Expenses - As of December 31, 2022	\$ 4,342,007.21
Cost of Issuances- As of December 31, 2022	\$ 229,384.30
Paid P&I of G.O. Bonds (As of February 1, 2023)	\$ 311,786.12
Principal	\$ 98,196.00
Interest	\$ 213,590.12
Future P&I on Existing G.O. Bonds (August 2041)	\$ 4,809,575.19
Principal	\$ 3,799,250.00
Interest	\$ 1,010,325.19
Unified Government Employee Project Time Investment	Unknown
Total Biosolids CMIP Investments to Date	\$ 9,692,752.82

Observations & Findings

- Unified Government employee costs (labor and benefits) are unknown because staff hours spent on capital projects are not currently tracked.
- Contracts for the CMIP project that have expired or updated Statement of Work amendments were not provided as requested.
- Current rate schedules were not readily available from Public Works when requested.
- No current cash-flow forecast for financing needs for FY 2023 and future years has been provided to UG Finance.
- Any future discussions on Biosolids project alternatives should exclude any existing CMIP contractors to avoid conflict of interest.

So, summary of the benefits to date. So, we talked about the \$4.3M. Again, this is expenditures that the Unified Government had actually made as of December 31st. Secondly, just as you passed

a few minutes ago their quest for GO bonds and temporary notes, there's a cost. So, for the two temporary note issues and the GO issue that has been issued as currently in place, about \$229K in actual cost of issuance. That's cost for your legal fees, for your financial advisor, your rating agency fees, as well as payoff of your temporary notes.

To date, you've paid \$311K on the 2021 bond issue. The fact that this is one that we did take most currently, so \$311K, principal which was \$98K and interest of \$213K. Additionally, the bonds that you had issued in '21, there's outstanding principal and interest against those of \$4.8M as well. Again, monies that have been committed, that you borrowed to fund the project.

I've already spoken to the line item called UG staff time. We were unable to quantify that because not being able to track the project. So, in this case, total investment, investment or some costs in the project of \$9.7M to date.

Historical Changes to Biosolids CMIP Projection Estimates (F)

Public Works provided on February 2, 2023, the following revised Biosolids CMIP projections

Historical Summary of Biosolids CMIP Project Costs from 2012 Masterplan to Current UG Partners Cost Estimate of 2022

	(A)	(B)	(C)	(D)	(E)	(F)	(G)
	2012 Masterplan	2018 BV Report ¹	ESG-2021	UGW-2022	Delta 2021 to 2022	% Increase	
Project/Estimate Overview	Only New Dewatering to Landfill Sludge - No Digesters	Rehab of Existing Digester Tanks, Biogas into Pipeline	New Digesters, Biogas into Pipeline	New Digesters, Biogas into Pipeline	Comparison of Column (D) to (E)		
(1) ESG Phase 1 Contract per RFP	NA	NA	\$ 2,926,343	NA			
(2) ESG Amendments Approved	NA	NA	\$ 179,047	NA			
(3) ESG Actual	NA	NA	\$ NA	\$ 2,185,530	\$ (919,860)		
(4) ESG Total for Phase 1¹	NA	NA	\$ 3,105,390	\$ 2,185,530	\$ (919,860)		
(5) Burns & McDonnell Check ESG Estimate	NA	NA	NA	\$ 52,963	\$ 52,963		
(6) UGW Phase 1	NA	NA	\$ NA	\$ 3,692,000	\$ 3,692,000		
(7) Owners Rep	NA	NA	\$ 2,000,000	\$ 2,000,000	\$ -		
(8) Subtotal Phase 1 and Owners Rep	NA	NA	\$ 5,105,390	\$ 7,930,493	\$ 2,825,103	55%	
(9) Direct Construction Costs	NA	NA	\$ 60,832,382	\$ 75,629,811	\$ 14,797,429		
(10) Markups	NA	NA	\$ 13,702,599	\$ 11,703,022	\$ (2,089,577)		
(11) Subtotal Construction Costs	\$ 4,300,000	\$ 70,600,000	\$ 74,624,981	\$ 87,332,833	\$ 12,707,852	17%	
(12) Gas Interconnect Allowance ²	NA	NA	\$ 1,000,000	\$ 2,000,000	\$ 1,000,000		
(13) Total Construction Cost	\$ 4,300,000	\$ 70,600,000	\$ 75,624,981	\$ 89,332,833	\$ 13,707,852	18%	
(14) Additional Contingency ³	NA	NA	\$ -	\$ 2,736,673	\$ 2,736,673		
(15) Total Project Cost	NA	NA	\$ -	\$ 92,069,506	\$ 92,069,506		

Preliminary Draft Report - As of Feb. 16

One of the questions that the Administrator had asked as well as the Commission is how did we get from \$4.3M to the current estimate of \$100M.

Year by Year Projection Variances – Discussion of Differences

Public Works provided on February 2, 2023, the following revised Biosolids CMIP projections

2012 Masterplan (\$4.3M) and 2018 BV Report (\$70.6M)

- The 2012 Masterplan did not contemplate or estimate the cost to provide digestion capabilities.
- The recommended improvements were to rehabilitate existing dewatering process (belt filter presses) in existing building at a cost of \$4.3M, but due to long-term planning during the consent decree negotiations this was changed to include an entirely new facility with new process (centrifuges) at an estimated cost of \$10M.
- The total cost shown for the 2018 solution was previously shown listed at \$67.3M, but that cost/option did not include biogas injection into a pipeline.
- The project cost for the gas pipeline option was the \$70.6M as shown herein and matches the value built into the consent decree financial model.

2018 Black & Veatch Report (\$70.6M) and ESG-2021 estimate (\$80.7M)

- The 2018 Black & Veatch report estimate (\$70.6M) was completed with an assumption that the existing digester tanks could be rehabilitated and utilized.
- The 2018 concept included KCMO sending sludge from their Westside WWTP.
- During the design process with ESG, KCMO withdrew from the project AND it was determined that the existing tanks could no longer be rehabilitated and used as digesters due to NFPA life safety code concerns and their general condition.

As you can see here, initially first estimate came in in 2021, which was part of the initial master plan. That was just a preliminary estimate as it related to how you should move forward. It did not contemplate anything as it relates to where the project is currently at, as well as it did not—it was an initial estimate just for the digest capability.

Historical Changes to Biosolids CMIP Projection Estimates

Public Works provided on February 2, 2023, the following revised Biosolids CMIP projections

Historical Summary of Biosolids CMIP Project Costs from 2012 Masterplan to Current UG Partners Cost Estimate of 2022					
(A)	(B)	(C)	(D)	(E)	(F)
Project/Estimate Overview	2012 Masterplan Only New Dewatering to Landfill Sludge - No Digesters	2018 BV Report ¹ Rehab of Existing Digester Tanks, Biogas into Pipeline	ESG-2021 New Digesters, Biogas into Pipeline	UGW-2022 New Digesters, Biogas into Pipeline	Delta 2021 to 2022 Comparison of Column (D) to (E)
(1) ESG Phase 1 Contract per RFP	NA	NA	\$ 2,926,343	NA	
(2) ESG Amendments Approved	NA	NA	\$ 179,047	NA	
(3) ESG Actual	NA	NA	NA	\$ 2,185,530	\$ (919,860)
(4) ESG Total for Phase 1¹	NA	NA	\$ 3,105,390	\$ 2,185,530	\$ (919,860)
(5) Burns & McDonnell Check ESG Estimate	NA	NA	NA	\$ 52,963	\$ 52,963
(6) UGW Phase 1	NA	NA	NA	\$ 3,692,000	\$ 3,692,000
(7) Owners Rep	NA	NA	\$ 2,000,000	\$ 2,000,000	\$ -
(8) Subtotal Phase 1 and Owners Rep	NA	NA	\$ 5,105,390	\$ 7,930,493	\$ 2,825,103 55%
(9) Direct Construction Costs	NA	NA	\$ 60,832,382	\$ 75,629,811	\$ 14,797,429
(10) Markups	NA	NA	\$ 13,792,599	\$ 11,703,022	\$ (2,089,577)
(11) Subtotal Construction Costs	\$ 4,300,000	\$ 70,600,000	\$ 74,624,981	\$ 87,332,833	\$ 12,707,852 17%
(12) Gas Interconnect Allowance ²	NA	NA	\$ 1,000,000	\$ 2,000,000	\$ 1,000,000
(13) Total Construction Cost	\$ 4,300,000	\$ 70,600,000	\$ 75,624,981	\$ 89,332,833	\$ 13,707,852 18%
(14) Additional Contingency ³	NA	NA	NA	\$ 2,736,673	\$ 2,736,673
(15) Total Preliminary Cost	\$ 4,300,000	\$ 70,600,000	\$ 75,624,981	\$ 92,069,506	\$ 16,444,525 22%

Preliminary Draft Report – As of Feb. 16

Secondly, so then going from the \$4M to the \$70M, this is where there is better definition that was put in place. Burns & McDonnell did a more detailed study for you in '18 where they initially then had come up with kind of a construction estimate of the \$70M with that.

Then going from column C to column D, or from '18 to '21, project increased by \$10M. So, what are the major cost drivers in that case?

Year by Year Projection Variances – Discussion of Differences

Public Works provided on February 2, 2023, the following revised Biosolids CMIP projections

2012 Masterplan (\$4.3M) and 2018 BV Report (\$70.6M)

- The 2012 Masterplan did not contemplate or estimate the cost to provide digestion capabilities.
- The recommended improvements were to rehabilitate existing dewatering process (belt filter presses) in existing building at a cost of \$4.3M, but due to long-term planning during the process changed to include an entirely new facility with new process (centrifuge).
- The total cost shown for the 2018 solution was previously shown listec include biogas injection into a pipeline.
- The project cost for the gas pipeline option was the \$70.6M as shown consent decree financial model.

2018 Black & Veatch Report (\$70.6M) and ESG-2021 estimate (\$80.7M)

- The 2018 Black & Veatch report estimate (\$70.6M) was completed with tanks could be rehabilitated and utilized.
- The 2018 concept included KCMO sending sludge from their Westside WWTP.
- During the design process with ESG, KCMO withdrew from the project AND it was determined existing tanks could no longer be rehabilitated and used as digesters due to NFPA life safety concerns and their general condition.

First of all, in '18, Black & Veatch had estimated the fact that they should be—initially they thought they could rehab the existing digesters and the fact that they could be rehabilitated and reused. However, during that planning period as they started taking a closer look at it, it was then found that the current tanks could no longer be used or rehabilitated so a new cost was going to be absorbed. Additionally, during this time, Kansas City, MO, was initially considering being part of your biosolids facility. They withdrew their interest in that facility as well.

Year by Year Projection Variances – Discussion of Differences

Public Works provided on February 2, 2023, the following revised Biosolids CMIP projections

Breakdown of difference between ESG-2021 (\$80.7M) and UGW-2022 (\$100M)

Amounts	Public Works Discussion & Explanation of Projection Increases
\$ 2,825,104	Increased costs for Phase 1 work including change from ESG to UGW
\$ 12,707,852	Increase in Construction Costs including markups (17%) Additionally, the ESG-2021 estimate had gaps in the defined scope and post-pandemic market volatility not included in the documented costs which impacts the increases to the 2022 cost estimate
\$ 1,000,000	Increased allowance for Gas Pipeline Connection
\$ 2,736,673	Added Contingency Reserve
\$ 19,269,629	Total Change from ESG-2021 to UGW-2022

Observations & Findings

- Markups include the proposed team's cost information that is provided, which includes the fixed-fee work associated with Phase 1 as well as a percentage fee for the Phase 2 services. The percentage fee for Phase 2 work is what is considered a "markup"
- Current construction inflationary industry reports reflect inflationary increases averaging 16.5% from 2021 to 2022 and between 10% and 11% during 2023 and 2024
- CMIP projections do not include any allowance includes for potential costs for Temporary Note and future G.O. bond or Kansas State Revolving Loan Insurance costs

Going from \$80M to \$100M. The current bond resolution last year had an estimate of \$80M so what we tried to do here is get a little bit more specific with the staff. First of all, there's an increase of a little bit over \$2.8M in the cost estimate by moving to your new design build contract, meaning from ESG, who's your previous one, to where you're at today with the UG Water Partners, a net increase of \$2.8M.

Secondly, the next major cost increase related was about \$12.7M. Primary portions of this has to relate to inflation. What's built in here as a markup or inflationary increase of 17%. So we tested that just to validate that assumption. From our industry research by looking at construction

costs, and specific construction costs for sewer projects, we had seen from '20 to '21, an increase or inflation increase of 16.5%. In fact, even moving forward, looking forward, inflation going from 10% to 11% as well.

Secondly, the new estimate also includes an increased allowance for the gas line, pipeline connection. There are some concerns or issues as well with having to do some soil movement. So, additional increase of \$1M from the initial estimate as well as some added contingency, funding the unknown of about \$2.7M for funding as well.

So, again, \$80M to \$100M, inflation, monies for the gas pipeline, contingency, as well as the increased cost for your design build consultant.

Current Planned Sources of Monies for CMIP Biosolids Project

The Revised current 2022 projection for the construction of the planned improvements for the Point Biosolids facility is estimated at \$100 million

Summary of Biosolids CMIP Revised Proposed Sources of Monies		Observations & Findings
Sources of Monies - \$100,000,000 (2022 Cost Estimate)		
Federal Grants		
2022 Congressional Approved EPA Grant	\$ 2,000,000	The UG should conduct further analysis of the use of Inflation Reduction Act of 2022 (the Act), which extends and expands existing tax credits and adds several new energy tax credits to encourage the production of clean energy and reduce carbon emissions.
Proposed USDA Grant (Submitted January 2022)	\$ 22,300,000	
US Treasury Tax Credits	\$ 27,000,000	
Long-Term Financing - General Obligation Bonds & State Loan Programs		
General Obligations Bonds and State of Kansas	\$ 48,700,000	The 2022 Act amended Section 48(a)(3) to include additional categories of energy property, one of which is "qualified biogas property"
Department of Health State Revolving Loan Program		
Total Current CMIP Project Projections	\$ 100,000,000	Further analysis and fiscal impact to the Biosolids Project is needed
Summary of Cash-Flow Timeline - \$100,000,000 CMIP Revised Projection		
2018-2022	\$ 4,500,000	
2023 January to July	\$ 4,000,000	
2023 August to December	\$ 12,000,000	
2024 January to 2025 June	\$ 66,500,000	
2025 July to December	\$ 13,000,000	
Total Current CMIP Project Projections Cash-Flow Timeline	\$ 100,000,000	

The current planned sources. I believe back in November or October, Public Works staff had come to the Commission with a presentation as it relates to current estimate of now \$100M. So, what are the major planned funding sources from that? Most recently, Congress did approve an EPA grant of \$2M, so that's money that's confirmed that has been approved by Congress.

Most recently in January '23, the Unified Government submitted to the USDA a grant for \$22.3M. Again, no word as it relates to the status of that.

The third major funding piece is proposed tax credits of \$27M. If the Commission recalls this past fall, the Inflation Reduction Act was expanded. It was expanded to now allow companies to obtain tax credits for qualified bioscience or biogas property. Even though I think Public Works probably disagrees with me on this, this is an area I think that the Commission needs further review and further analysis. Regulations have yet to be codified. There is some legal experts that will provide that, but this is an area I still think that there's a lot of uncertainty and then known as it relates to the full use and application of the tax credits. That would then mean the potential

issuance of GO bonds for a total amount of \$48.7M. You've already issued \$4M, so it would require an additional \$44M in additional GO debt over the next four to five years as well.

Annual Kaw Point Wastewater Treatment Plant Operating Project		
Upon completion of the Biosolids CMIP construction, Public Works projects operating cost reductions/avoidance and New System Revenue Sources		
Kaw Point Wastewater Facility Operating & Maintenance Costs (Provided by Public Works - Water Pollution Control)		
Current Operations & Maintenance Costs (Includes 20% costs to related to Maintenance Group)	Annual Costs	\$ 5,465,000
Operating Cost Increases/Decreases/Avoidance		\$ (400,000)
Reduced Disposal Costs	\$ (600,000)	
Reduced Chemical Costs	\$ (800,000)	
Added O&M Costs of New Facility Improvements	\$ 1,000,000	
Revised Estimated Kaw Point Wastewater Facility Operating Costs		\$ 5,065,000
New Enterprise System Revenue Sources		\$ 2,000,000
Waste Hauled Tipping Fees	\$ 750,000	
Biogas Sales	\$ 1,250,000	

Observations & Findings
Per Public Work responses:

- FY 22 Actuals show that current Operations & Maintenance inclusive of 20% of the Kaw Point Maintenance group) are estimated \$5,465,000 per year
- The new facility will have a new operating reduction of \$400,000 annually
- Sales from Waste Hauling Tipping Fees and Biogas Sales are estimated to generate \$2.0 million annually

A&M has not been able to verify/validate the revenue source assumptions

So, looking at operating costs. Public Works calculated, based on last year's actual, the operating costs for the current Kaw Plant facility represents \$5.4M. In comparison, the budget's actually higher. This was due to staff vacancies and in some cases, the need to probably recalibrate or re-budget for your sanitary sewer system and somehow the costs are allocated. They determined that the actual current cost is \$5.4M.

Staff did provide estimates as it relates to some reductions. It is planned, again, as it's being proposed or would be reduced disposal costs or those tipping costs. At the current Shawnee Waste Management site of \$600K as well as reduce chemical costs in the future. Again, not having to deodorize the solids as much.

At the same time, there's going to be increased operating costs. There's going to be increased costs for the operation of the facility, so net reduction of operating costs of only \$400K. That would make the revised operating costs a little bit over \$5M.

We did ask about the new system revenues. I know the staff has presented to you previously the fact that there will be opportunities for new revenues to support the project from the sale of the biosolids as well as bio sales. We've asked for additional clarification, the detail as they relate to how those estimates have been developed. Staff's in the process of obtaining that information. As of this morning we have yet to receive that so, this is an area we have yet to be able to finish the full review for you.

Preliminary Impact of \$48.7M in Debt Service to Sewer Rates

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	Observations & Findings
Year	G.O. Payment	Rate Increase %	Avg Bill	% of Bill	Cost	Avg Bill	% of Bill	Cost	
2022	\$ 255,492.19	5.0%	\$ 49.46	0.56%	\$ 0.28	\$ 438.95	0.56%	\$ 2.47	- The accompanying study shows the incremental cost component to the average monthly customer bill for this scenario (\$48.70 million in G.O. Bonds) - Public Works has indicated that the current monthly debt service projections would not require added rate increases over what is already "planned" as shown in column (C) - Debt service as a % of the planned rates peaks at 4.07% of the average monthly bill in 2027 (\$2.47 for residential and \$21.93 for non-residential)
2023	\$ 256,374.86	5.0%	\$ 51.93	0.54%	\$ 0.28	\$ 460.90	0.54%	\$ 2.47	
2024	\$ 256,468.38	4.0%	\$ 54.01	0.51%	\$ 0.28	\$ 479.34	0.51%	\$ 2.46	
2025	\$ 2,432,690.60	4.0%	\$ 56.17	4.65%	\$ 2.61	\$ 498.51	4.65%	\$ 23.18	
2026	\$ 2,316,804.02	4.0%	\$ 58.42	4.24%	\$ 2.48	\$ 518.45	4.24%	\$ 21.97	
2027	\$ 2,323,865.14	4.0%	\$ 60.75	4.07%	\$ 2.47	\$ 539.19	4.07%	\$ 21.93	
2028	\$ 2,320,476.70	4.0%	\$ 63.18	3.89%	\$ 2.45	\$ 560.75	3.89%	\$ 21.79	
2029	\$ 2,319,273.46	4.0%	\$ 65.71	3.72%	\$ 2.44	\$ 583.18	3.72%	\$ 21.67	
2030	\$ 2,319,958.66	3.5%	\$ 68.01	3.57%	\$ 2.43	\$ 603.60	3.57%	\$ 21.57	
2031	\$ 2,319,897.54	3.5%	\$ 70.39	3.43%	\$ 2.42	\$ 624.72	3.43%	\$ 21.46	
2032	\$ 2,321,224.06	3.5%	\$ 72.86	3.30%	\$ 2.41	\$ 646.59	3.30%	\$ 21.36	
2033	\$ 2,322,474.86	3.5%	\$ 75.41	3.18%	\$ 2.40	\$ 669.22	3.18%	\$ 21.27	
2034	\$ 2,317,976.70	3.5%	\$ 78.04	3.05%	\$ 2.38	\$ 692.64	3.05%	\$ 21.12	
2035	\$ 2,318,677.40	3.5%	\$ 80.78	2.93%	\$ 2.37	\$ 716.88	2.93%	\$ 21.02	
2036	\$ 2,323,134.58	3.5%	\$ 83.60	2.82%	\$ 2.36	\$ 741.97	2.82%	\$ 20.96	
2037	\$ 2,323,698.24	3.5%	\$ 86.53	2.72%	\$ 2.35	\$ 767.94	2.72%	\$ 20.86	
2038	\$ 2,320,080.50	3.5%	\$ 89.58	2.61%	\$ 2.34	\$ 794.82	2.61%	\$ 20.72	
2039	\$ 2,322,563.42	3.5%	\$ 92.69	2.51%	\$ 2.33	\$ 822.64	2.51%	\$ 20.64	
2040	\$ 2,315,746.96	3.5%	\$ 95.94	2.41%	\$ 2.31	\$ 851.43	2.41%	\$ 20.48	
2041	\$ 2,320,694.74	3.5%	\$ 99.29	2.32%	\$ 2.30	\$ 881.23	2.32%	\$ 20.42	
2042	\$ 2,064,900.00	3.5%	\$ 102.77	1.98%	\$ 2.04	\$ 912.07	1.98%	\$ 18.08	
2043	\$ 2,065,300.00	3.5%	\$ 105.37	1.91%	\$ 2.03	\$ 944.00	1.91%	\$ 17.99	
2044	\$ 2,065,300.00	3.5%	\$ 105.37	1.91%	\$ 2.03	\$ 944.00	1.91%	\$ 17.99	
2045	\$ (110,912.50)	3.5%	\$ 113.94	-0.09%	\$ (0.11)	\$ 1,011.23	-0.09%	\$ (0.90)	

Preliminary Draft Report – As of Feb. 16

What does this mean as it relates to your sewer rates? As the Commission knows and as the community knows, when the Unified Government passed a consent decree, there were some commitments to do some major capital improvements for your sanitary sewer system. So, in fiscal year '22 and '23, the Commission approved, as part of your annual budget process, a 5% rate increase. What's shown here in column C or the green column are the planned future sanitary sewer increases. As you can see, they go up to 4% and down to 3.5%. Again, these are planned increases. These increases would not only cover the operating costs, but as well as any future capital improvement costs.

So, we compared the two scenarios. We first compared what would be the impact if you have to issue the full amount of the \$48.7M in GO debt. What we found is the fact that—so then we compared, again, the debt service against what the impact would be. What we found is, as shown in column E, that in year 2026 would be kind of the highest year from a residential perspective that 4.4% or \$2—or actually a year before. In '25 that 4.65% or \$2.61 of the average residential bill every month, those monies would be dedicated to pay for the debt service of this project. From a commercial customer, that would represent about \$23.18 a month.

Preliminary Impact of \$100M in Debt Service to Sewer Rates

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	Observations & Findings
Year	G.O. Payment	Rate Increase %	Residential (Monthly)			Non-Residential (Monthly)			
			Avg Bill	% of Bill	Cost	Avg Bill	% of Bill	Cost	
2022	\$ 255,492.19	5.0%	\$ 49.46	0.56%	\$ 0.28	\$ 438.95	0.56%	\$ 2.47	- The accompanying table reflects the % of the monthly sewer bill being earmarked for payment of the G.O. Debt - Public Works has indicated that the current debt service projections would not require added rate increases over what is already "planned" as shown in column (C) - Debt service as a % of the planned rates peaks at 13.29% of the average monthly bill in 2027 (\$8.07 for residential and \$71.61 for non-residential customers)
2023	\$ 256,374.86	5.0%	\$ 51.93	0.54%	\$ 0.28	\$ 460.90	0.54%	\$ 2.47	
2024	\$ 256,468.38	4.0%	\$ 54.01	0.51%	\$ 0.28	\$ 479.34	0.51%	\$ 2.46	
2025	\$ 2,432,690.60	4.0%	\$ 56.17	4.65%	\$ 2.61	\$ 498.51	4.65%	\$ 23.18	
2026	\$ 5,791,847.77	4.0%	\$ 58.42	10.59%	\$ 6.19	\$ 518.45	10.59%	\$ 54.92	
2027	\$ 7,589,565.14	4.0%	\$ 60.75	13.29%	\$ 8.07	\$ 539.19	13.29%	\$ 71.61	
2028	\$ 7,591,176.70	4.0%	\$ 63.18	12.71%	\$ 8.03	\$ 560.75	12.71%	\$ 71.27	
2029	\$ 7,586,473.46	4.0%	\$ 65.71	12.15%	\$ 7.99	\$ 583.18	12.15%	\$ 70.88	
2030	\$ 7,589,408.66	3.5%	\$ 68.01	11.69%	\$ 7.95	\$ 603.60	11.69%	\$ 70.55	
2031	\$ 7,586,847.54	3.5%	\$ 70.39	11.23%	\$ 7.91	\$ 624.72	11.23%	\$ 70.18	
2032	\$ 7,590,924.86	3.5%	\$ 72.86	10.80%	\$ 7.87	\$ 646.59	10.80%	\$ 69.86	
2033	\$ 7,589,674.86	3.5%	\$ 75.41	10.39%	\$ 7.83	\$ 669.22	10.39%	\$ 69.50	
2034	\$ 7,592,426.70	3.5%	\$ 78.04	9.98%	\$ 7.79	\$ 692.64	9.98%	\$ 69.09	
2035	\$ 7,589,877.40	3.5%	\$ 80.78	9.60%	\$ 7.75	\$ 716.88	9.60%	\$ 68.62	
2036	\$ 7,588,634.58	3.5%	\$ 83.60	9.23%	\$ 7.71	\$ 741.97	9.23%	\$ 68.46	
2037	\$ 7,590,398.24	3.5%	\$ 86.53	8.87%	\$ 7.68	\$ 767.94	8.87%	\$ 68.14	
2038	\$ 7,583,780.50	3.5%	\$ 89.56	8.52%	\$ 7.63	\$ 794.82	8.52%	\$ 67.74	
2039	\$ 7,589,063.42	3.5%	\$ 92.69	8.20%	\$ 7.60	\$ 822.04	8.20%	\$ 67.45	
2040	\$ 7,590,446.96	3.5%	\$ 95.94	7.87%	\$ 7.55	\$ 851.43	7.87%	\$ 67.04	
2041	\$ 7,588,994.74	3.5%	\$ 99.29	7.56%	\$ 7.52	\$ 881.23	7.56%	\$ 66.76	
2042	\$ 7,336,800.00	3.5%	\$ 102.77	7.04%	\$ 7.24	\$ 912.07	7.04%	\$ 64.24	
2043	\$ 7,330,600.00	3.5%	\$ 106.37	6.77%	\$ 7.20	\$ 944.00	6.77%	\$ 63.87	
2044	\$ 7,334,600.00	3.5%	\$ 110.09	6.51%	\$ 7.16	\$ 977.04	6.51%	\$ 63.58	
2045	\$ 5,394,987.50	3.5%	\$ 113.94	6.26%	\$ 7.12	\$ 1,011.00	6.26%	\$ 63.29	

Preliminary Draft Report - As of Feb. 16

We then looked at the worst case scenario or if the grants didn't come in nor tax credits would come in. What would be the impact or what percent of that planned sewer rate increase would be earmarked? So, as you can see here, again, in column E, from the residential customer, the highest amount would be in 2027 for 13.2% or \$8.07 per month of the residential sewer bill would be dedicated to pay for the debt service. From the commercial side or the non-residential base, \$71.81 on a monthly basis would be dedicated to pay for the debt service.

Value of Current Kaw Point Treatment Plant (Page 1)

The UG was unable to provide the original construction value and the asset value of the Kaw Point Wastewater Treatment Plant built in the 1960's

Observations & Findings

- Neither Public Works or Finance were able to report the original construction cost the treatment facility.
- The UG should be able to report this from prior GO and/or Sewer Enterprise Revenue bond issuance offering statements and authorizing ordinances for the issuances of the debt statements and/or authorizing ordinances for the issuances of the original facility construction debt.
- The UG was unable to report the current Asset Value of the Kaw Point Treatment Facility due to the assets being combined in the balance sheet
 - All improvements and equipment that are capitalized are added to an asset line and depreciated
 - Treatment Plant Structures & Improvements are depreciated over 50 years
 - Treatment Plant Equipment is depreciated over 20 years
- Capital improvement projects for the sanitary sewer system are financed as GO Revenue bonds with a payment for the bonds coming from the Sewer Enterprise Fund and bonds being issued as Sewer Enterprise Revenue Bonds.

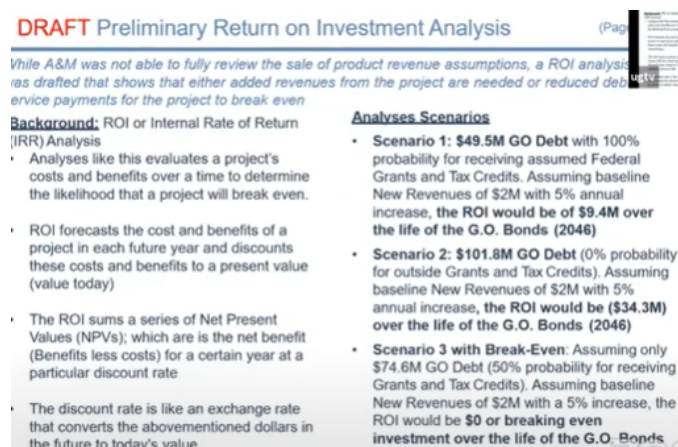
Unified Government Combined Treatment Plant Asset Values

Structures & Improvements	
Treatment Plant	\$ 79,500,000
Less - Accumulated Asset & Depreciation	\$ (61,300,000)
Book Value of Treatment Plant Assets	\$ 18,200,000

Equipment	
Treatment Plant	\$ 18,800,000
Less - Accumulated Asset & Depreciation	\$ (17,000,000)
Book Value of Treatment Plant Equipment	\$ 1,800,000

We then want to take a look at the return on investment. So the first thing on return on investment, you need to take a look at your original construction value. This is an area that the Unified Government is unable to provide to us the original construction value. As the Commission knows, the plant was built in the 1960s with a combination of sewer debt as well as various federal grants. Due to kind of the age of the records as well as the way sewer system is currently accounted, we could only obtain kind of a combined asset value for all of your sewer structures and

improvements. So, there is a book value you have in place for structures as well as for equipment; but, again, it's for all three of your sewer plants and not specifically for the Kaw Plant facility.



We did do a draft or a kind of preliminary return on investment analysis; again, based on the preliminary revenue estimates that were provided. We took the \$2M that staff had said. We said if revenues would increase 5% each year, what would that mean as it relates to the investment. The first scenario we took a look at is using the 48, which actually moves up to 49 once I plugged in some cost of issuance, we found between now and 2046, because that's when those bonds would be paid off, there could be a return of investment of \$9.4M or a little bit less than 10% of the overall borrowing cost.

Secondly, then we looked at worst case. Worst case is if the grants did not come in; the tax credits wouldn't come in. What would your investment be? It would actually be a loss of \$34M over that period.

Then, finally we said what would it take to break even, meaning what would it take, the fact that the monies that you have to borrow would be, but basically pay for themselves so it'd be a break even analysis. What we determined is the fact that either with reduced costs of a project or increased revenue. So, we used an assumption of \$70M, almost \$75M in borrowing, which could also mean not getting the grants, that the project could potentially break even by 4046 with the borrowing.

Recommendations		(Page 2)
While the improvements at the Kaw Point Wastewater Treatment Facility are required, the Unified Government should consider several actions and financial improvements moving forward		
Summary of Biosolids CMP Project Investment to Date		1. Project Restart.
CMP Project Expenses - As of December 31, 2022	Total \$	With the \$9.7 million in project investment to date and only 30% of the design and planning complete, the UG should strongly consider a <i>Project Restart to explore:</i>
Cost of Issuance - As of December 31, 2022	\$ 4,342,007.21	
Paid P&I of G.O. Bonds (As of February 1, 2023)	\$ 229,364.30	
Principal	\$ 213,590.12	• Expanded review of potential equipment and technology solutions
Interest	\$ 15,774.18	• Issue an open formal Request for Qualifications from the industry on alternative biosolid solutions – 90 Day Plan
Future P&I on Existing G.O. Bonds (August 2041)	\$ 4,809,575.19	• Explore other State & Federal Grant
Principal	\$ 3,796,250.00	
Interest	\$ 1,013,325.19	
Unified Government Employee Project Time Investment	Unknown	
Total Biosolids CMP Investments to Date	\$ 9,692,732.62	

What does this kind of lead us to our overall observations and recommendations? As I said a few minutes ago, the overall investment to the city to date, I'd say in hard costs, represents about—the actual hard cost represents about \$4.6M. Again, \$4.3M you've already spent for engineering design. The cost of issuance of \$230K. In your principal and interest, you've paid about \$4.6M. Then the additional \$4.8M, that you have in future principal and interest.

One of the recommendations that we provided back to the two standing chairs as well as the Administrator, that even though this improvement for Kaw Point Wastewater is required, the Unified Government does need to make the investment. However, we are recommending that the government take a look at some other actions and financial improvements moving forward.

First of all we have recommended to the Administrator that the government seriously take a look at a project restart. We have found through our research there's other alternative methods that are out there. There's other technology. There's other applications that other governments are using to treat their biosolids. In fact, in '17, you had one firm approach you with a proposal, and then most recently, there was internal discussions this past fall.

We think that there's other alternatives that could be looked at. The fact that your initial RFP or RFQ for services went out in 2017, 2018. There may be new technologies as well as additional opportunities that you should seriously consider.

Secondly, we've also said the fact that by doing this, what we're saying is go through maybe a new RFQ process. I think general counsel will need to be really involved with this, especially I know a number of the vendors, a number of the contractors may have some proprietary solutions that should maybe be taken a look at, but we're saying maybe a 90-day re-review of where you're at.

Thirdly, there are additional state and federal grants that are available. I know many other communities are looking at other grant opportunities. I would encourage the Unified Government to take a look at that.

Secondly, the projections that we had shown for the sewer increases, the fact that some of these, even though they're planned, any effort that the Unified Government could do to help reduce or even maintain those rates, not to put as much burden on your ratepayers that we think would also be highly—it should be something the Commission consider as well. Also, the project research would give the Unified Government time to also better understand the tax credits and how those uses could be made.

Recommendations
(Page 10)

The Unified Government should consider several actions and financial improvements moving forward:

2. **Improve Financial Management CMIP Accounting, Budgeting and Reporting Practices**
 - Deploy a project timekeeping system to monitor internal staff hours spent on major CMIP projects and special initiatives
 - Separate asset values for major system facilities on financial statements
 - Hold on issuance of any additional temporary note financings until detailed cash-flow forecast can be provided
 - Modify UG Procurement Policy to require the County Administrator (and General Counsel) approve any (1) On Call Agreement Statement of Work (2) Contract Amendments and (3) Annual Fee increases
 - Public Works should perform monthly reconciliation of project related expenses, including comparing invoice amounts against approved/amended contract/SOW rate schedules and avoid practices of splitting invoices between available purchase orders
 - CMIP project budgets should include a cost component for debt financing cost of issuances
 - Explore the use of a separate financial "fund" structure to account for any revenues generated from Gas and/or Bio-product gas (do not come from sale revenue within the Sewer System operations (pending outcomes of Restart RFQ process))

Secondly, we think there's some financial improvements that should also be made. First of all, moving forward, staff time on major capital project initiatives should be tracked, especially if we're going to be applying for grants. These could be administrative costs and they could be part of the grant to reimburse through grant activities.

Secondly, we also feel that moving forward, that the asset values of your various infrastructure should be reported separately in your financial statements. We did recommend that no additional temporary notes should be issued until a more detailed cash flow could be done.

Secondly, on changing the policy, the procurement policy, ensuring that the county administrator as well as general counsel would approve those, we feel is also needed. The rest of these, I think, we've covered previously.

So, at this point, Mayor and Ms. Administrator, I will be glad to take questions.

Mayor Garner said thank you so much for that in-depth. I know there's a lot more information that our commissioners are going to be sure to look at.

Mayor Garner asked, do any commissioners have any questions in regard to this item? I believe our Administrator has some recommendations for this Commission to consider.

Ms. Harrison-Lee said we'll see a review that we have although there are some items that are still pending, the consultant is looking at a recommendation that we consider the project re-start recommendation; and that as we go through that process, that we also look at changing our project management financial components of it to be aligned with some of the best practices that are noted in the recommendations.

So, Mayor and commissioners, if there's a consensus to move forward in that direction, the recommendation would be to discontinue the funding of this or the additional spending until we have an opportunity to go back and look at some of these components.

Mayor Garner said this is for information only. She's just asking for a consensus. The Administrator has a recommendation. She'd like a little guidance from the Commission, so I'll go ahead and entertain a motion to approve the Administrator's recommendation.

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

Mayor Garner said we have a first and a second. Before we proceed, Commissioner Bynum.

Commissioner Bynum asked, what are we recommending? **Ms. Harrison-Lee** said on the last two pages, the consultant recommended that we do a project restart and that as part of that restart, that we look at some new technology and potential equipment, and that we look at a formal request for qualifications from other potential vendors in the industry, and that we look at other state and federal grant opportunities as well. And that as we look at this while we're doing a restart, that we consider looking at our financial, accounting, and project management practices that are outlined on the last page.

Commissioner Bynum said so my request, I realize we have a motion and a second on the floor, but my request would be having a little bit more information about all that you just stated because

that's like five things. I would want an outline and a timeline. I don't know that all of that can be done in what was recommended as a 90-day reset. So, one of the items was a request for qualifications. What would that mean exactly for this?

Ms. Zielke said we had recommended a 90-day restart. Within that would be, first of all, having an independent group put together kind of the qualifications or basically the notice of need. Basically we had said that could be done within a 20-day period because there's a lot of information that your staff has already gathered, as well as you have industry experts you could rely on as well.

Secondly, we then recommended the RFP be on the street for 45 days to give potential vendors opportunity to respond.

Commissioner Bynum said I'm sorry, Nancy. The RFP for what? **Ms. Zielke** said this would be the RFQ, request for qualifications, to ask for potential contractors to give you alternative proposals besides just using the current method that you're using with the digesters and moving forward with your current—what other opportunities are out there as relates to the treatment. Maybe it could be expanding the use of methane gas. Maybe it could be using bio—learn more about biosolids I ever thought I would—but there's different methods that other governments are using.

We're saying go back to the community, because this was five years ago when you put these specifications together, to see what technologies as well as what other approaches are out there. I would caution, though, as you do that, of making sure that the information that has come back would be proprietary because in some cases, these companies may have trade information or methodologies or approaches that they may not want to be sharing publicly. So, I would defer to general counsel of how you would do that from a procurement basis, but we've seen that done.

Then the remaining period of time, the other 25 days, would be for internal review and then for review by the Commission through the standing committees as well as the Commission as a whole.

Commissioner Bynum said so at that point, something may come back that would change the whole trajectory of this project.

Ms. Zielke said as we had outlined, commissioners, the fact that it could either change the scope of the design build or you could continue with the current status quo as well. But, again,

it's giving that opportunity to reassess and re-evaluate the technologies and the approaches that are available.

Commissioner Davis said this question is for our Interim Administrator. Does this need to be done now? What is the timeliness of this? I'm only asking because this was kind of blue sheeted so I wasn't expecting this. I wasn't really studying this and it wasn't really conveyed even in our meeting for Economic Development & Finance that there was an urgency regarding this that would require action by us.

Ms. Harrison-Lee said, Commissioner, you do not have to do this tonight. **Commissioner Davis** said it would be my preference that we not do this tonight. It has been a very, very, very long night. Quite frankly, I can just speak from me personally, I'm not prepared to vote on this. There's a lot of questions and this is a very, very thick packet.

Commissioner Davis said the other question that I have is I thought this was being presented because this is more administrative, so what would we need to vote on that's currently in this packet that you would seek our permission to do?

Ms. Harrison-Lee said you are correct. Administratively we could cease and go with this recommendation. This has had a lot of discussion at the Commission meeting, so in an effort to be transparent, wanted to make sure that we did not take a project of this magnitude and make an administrative decision on it as your Interim Administrator.

I'm happy to bring this to you in a work session or at your next meeting so that you have an opportunity to get your questions answered and make sure that you're comfortable with the direction that we would look to go on this.

Commissioner Davis said that would be great.

Commissioner Davis said and the last thing I would request is for anything that we're going to take a motion on, I'm assuming it would be a resolution of some sort, if we can get legal language in front of us just to kind of keep that practice going, that way we know exactly what we are voting on. That would be very, very helpful.

Commissioner McKiernan said I'll just concur with Commissioner Davis. For me to vote, I'd like to have concrete language in front of me outlining and detailing exactly what it is I am voting for or against. So, I would concur that I'd like to see this come back with concrete language in terms of motions and votes.

Commissioner Townsend said it's already been stated by Commissioner Davis and Commissioner McKiernan, my concerns about taking action tonight, specifically. I'm not opposed to it, but I just don't know enough about the details. When this was presented at ED&F, I was under the impression that the evaluation, which seemed thorough to this point, was not at its conclusion. So, when is that expected to happen, and what impact might that have on the outcome of what we're being asked to vote on?

I agree whatever we'd be asked to vote on should be reduced to writing so it's clear. Particularly, I think Ms. Zielke mentioned some things, but I'd like to be a little bit clearer about what the restart includes. If we went with the restart as suggested, what that does to what's going on right now? Is that a standstill? What no longer is going on? What that does to money committed? What does this restart, and what that might entail, do with anything to how we move forward with our commitment on the consent decree? How would that change, if at all? Also, what would it do, if anything, to those contractors we may already have engaged? So, those are just some of the questions I'd like to have answered in more detail when we take this up again.

Mayor Garner asked, did you want to answer some of those questions? The questions she had, were you able to answer any of those? **Ms. Zielke** said I'll refer one to general counsel as it relates to the status of the contracts.

Misty Brown, Chief Counsel, said regarding the status of the contracts, all the contracts that we've negotiated include various provisions in which you can terminate for convenience, terminate for cause. So, I think as far as if we were taking a pause on it, know that we may incur some cost for delay. If we were terminating, that is an option for it. If Ms. Zielke could speak to the consent decree, I could or Ms. Zielke could as well.

Ms. Zielke said as it relates to the consent decree, doing our pause, it's still, the fact that like I said initially, I think as the administrator said, the project needs you. You need to make the improvements to this facility. The fact by just reassessing and reevaluating your approach does

not change the Commission's overall intention. It's just looking at are there any lower cost alternatives that are out there moving forward.

Secondly, does the outstanding work that we have as it relates to assessing the revenues, the revenue assumptions, even though I think that's important and we had to make some assumptions and doing kind of the high level return on investment analysis, our recommendations, even with that information, I don't believe would change from what we've recommended at this point.

Commissioner Kane said I should have clarified my motion. I want the Administrator to do exactly what you guys said, provide us information so we can move forward and make intelligent decisions. We have went up from x amount of dollars to \$60M, \$70M, \$80M. We're at \$100M. That would be a huge part of our budget. I don't care. I can either withdraw it or push it forward for the Administrator to get us all the answers that you folks just asked because that's what we need to have to make an intelligent decision.

Mayor Garner said I don't think that this is an administrative decision. Ultimately, it really doesn't require any action. There was no planned action for this Commission. I believe that the Administrator likes to include the Commission in some of this decision-making in regard to how an interim administrator should move that could have long standing impacts financially on the overall economic health of the Unified Government. She could go alone but she chose not to. She chose to get some level of direction. I believe that the overriding goal of having the auditors here were to do just that.

You have a project that, I believe, went from \$4M. Am I correct? We are well over \$100M in a short period of time for a variety of reasons. She pointed out that there were some deficiencies as well. I believe that the recommendation from both our Administrator and from the auditor, that was independent that came in, they're recommending that we pause and we look at how best we can see what technologies may be there. Look what cost-cutting measures that may be there. Look at how we are accounting. Making sure that we're using best practices all in an effort to find ways to save our taxpayers in Wyandotte County money. That's really what this is all about. Am I correct?

That recommendation was, since we've progressed so much, let's take a pause. Let's get all this information that this Commission has indicated that they wanted while we're pausing. Let's stop, put a pressure point on spending money that really hasn't gotten us too much of a value, is what I'm getting. When you talk about 30%, I don't think that there's any agitators or anything else that have been fixed at this plant that I've been told.

So, it's a way to put a pressure point and stop spending money. Let's reevaluate what we're spending while we're spending it, and find ways that we could better efficiently and effectively provide infrastructure improvements that we know are desperately needed as a means to get us to, hopefully, saving our taxpayers' money. That's what this is all about.

Again, the Administrator could have done that. I don't believe that there's a vote that's necessary. I believe that our Administrator has clear guidance on what needs to take place. I believe that she will get the information that this Commission requires. I believe once she gets feedback from you all, based on that information you have more time to think about it, then she could make an informed administrative decision on whether or not to pause this, and then do the types of things that were recommended from the independent auditor and a recommendation as well. Is that correct? Okay.

Commissioner Burroughs said I appreciate the overview. What I'd like to bring to our attention is that we do have a motion and a second on the floor. We need to either pull the motion...

Action: **Commissioner Kane withdrew his previous motion. Commissioner Burroughs withdrew his second.**

Mayor Garner said there's a motion and a second. I do agree with Commissioner Davis. There was no actionable item. There was nothing that was presented. I believe that Legal weighed-in and said that would be appropriate given the question. So no motion, no vote.

The Administrator knows the overriding goal is we've got to find ways to save our taxpayers money because that is a huge project and a huge budget. When you talk about \$100M, nothing to sneeze at. There have been some serious questions of how we go from \$4M to over \$100M in a short period of time. That's why the recommendation to take a pause and let's see if we can do this project just a little bit better in the interest of our taxpayers.

Commissioner Townsend asked, do we know when the completion of the evaluation may come to fruition because there may be, it's possible, other recommendations to consider as well? How far away are we from the conclusion of the evaluation, all of it or the audit?

Ms. Zielke said we are waiting for some additional information from Public Works. They're trying to obtain from UG Water Partners, again, being able to better quantify the revenue assumptions. That's the last remaining piece of our work.

Commissioner Townsend asked, do we have any expectation of how long that might take to bring that to conclusion?

Ms. Zielke said we're hoping early next week we'll be able to have the information. I'll take us some time to review and analyze it. So, I'm hoping within 10 days.

Mayor Garner said I believe that's a good question, Commissioner, and that's good information because there have been some noted gaps in regard to the financials, and I think the taxpayers deserve to know where their money's going and how it's being spent.

Action: For information only.

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

No items

PUBLIC ANNOUNCEMENT

No items

ADJOURN

Mayor Garner said I'll entertain a motion to adjourn.

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

MAYOR GARNER
ADJOURNED THE MEETING AT 8:42 PM
February 16, 2023

Brett A. Deichler, PMP|CPM
Unified Government Clerk

cg

February 16, 2023

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

SPECIAL MEETING, THURSDAY, FEBRUARY 29, 2024

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, February 29, 2024, with nine members present: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth 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. Ramirez, Commissioner Third District; and Garner, Mayor/CEO; were absent. The following officials were also in attendance: David Johnston, County Administrator; Bridgette Cobbins, Assistant County Administrator; Angela Lawson, Interim Chief Counsel; Reginald Lindsey, Budget Director; Tanner Stark, Asset Manager for Public Works; Jeff Fisher, Executive Director of Public Works; Troy Shaw, County Engineer; John Kelly, Director of Buildings & Logistics; and Monica Sparks, Interim Unified Government Clerk.

Mayor Pro Tem Burroughs said before I call the meeting to order I want to announce that we do have individuals attending remotely as well as on-site. All participants joining by phone, should please mute your phones when not speaking to avoid background noise. During the meeting, make sure you announce yourself by name and title every time you speak so the public that is participating knows exactly who is speaking. This is critical given the number of remote participants and is also current guidance from the Kansas Attorney General's Office. I would also like to remind, especially here on the 5th floor, that you please be sure to speak loudly and clearly into the microphone to ensure that your comments are being captured by the Clerk for an accurate record of the meeting.

Mayor Pro Tem Burroughs called the meeting to order at 5:02 p.m.

ROLL CALL: Burns, Hill, Kane, Lopez, Stites, Davis, Bynum, Townsend, Burroughs.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, February 29, 2024, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for an Update on Capital Improvement Projects. Immediately following there will be an Executive Session in the 5th floor conference room regarding Litigation.

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 said tonight we are here to hear an update on our Capital Improvement Projects and immediately following the update we will adjourn to Executive Session. I'll ask our County Administrator, David Johnston, if he has any opening remarks.

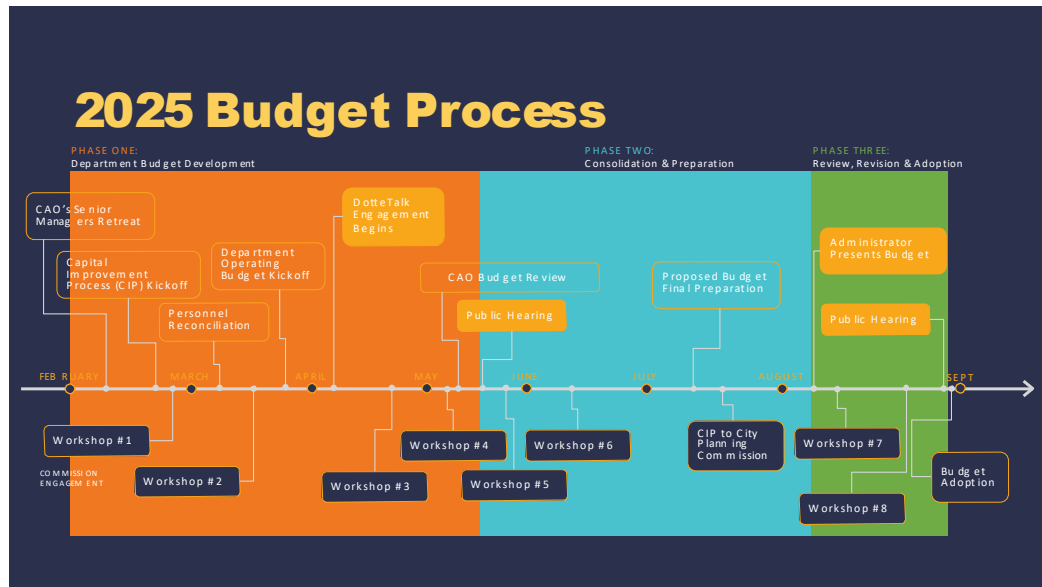
David Johnston, County Administrator, said as always at the start of our budget process we give you an overview of what we envision being included at the final recommendation in the budget and I'll call Jeff to lead this discussion.

Jeff Fisher, Executive Director of Public Works, said much of this presentation is going to be very familiar to several of you that have been through this several times. We also did meet with the new commissioners last week and ran through this briefly. As you know, this is a key part of any city's financial plan. It's a short-term Five-Year Capital Improvement Program, describes the major investments in the community over the next five years.

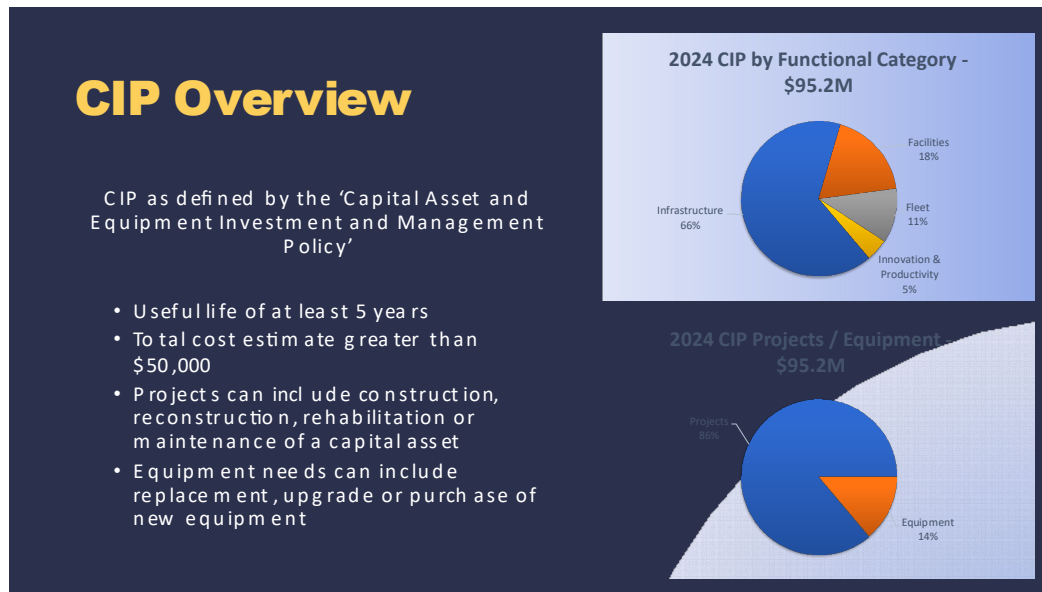
Before we get started I'm going to introduce Reggie Lindsey that everybody knows, our Budget Director; and Tanner Stark is our new Asset Manager, and he's going to play a part in this and I encourage you to be nice to him since it's his first time, but he's going to do a great job.

So, Five-Year Capital Improvement Program, I would say most, if not all cities, have some form of this. The process is supposed to include the Planning Commission, which we have visited with the Planning Commission already. There will be another session with them as we work with the elected body on the Capital Improvement Program. We work closely with Planning,

Budget, and Public Works to develop this and then there are several people in the room that are important to implementing the CIP to support this. I'm going to hand it over to Reggie real quick so he can highlight the process ahead of us.

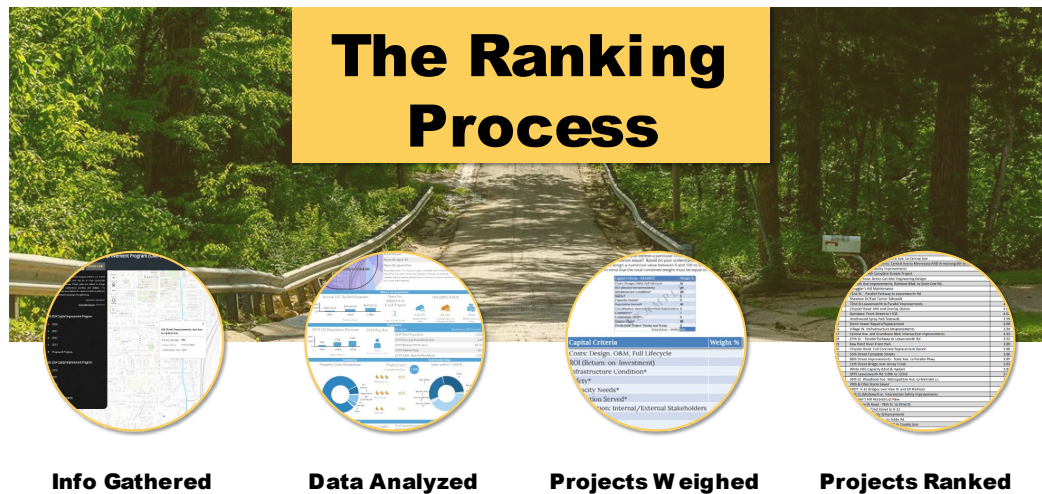


Reggie Lindsey, Budget Director, said earlier this week we kicked off our 2024-2029 CIP process and what we'll be doing in that process is going through and allowing departments to submit their Capital Improvement Projects and also equipment. It will be about a three to four month process, so this is kind of where we kicked it off right here and we'll move through all three phases of our budget process. We have the department budget and development process and then we have a consolidation and preparation. Within this part, consolidation and preparation, what we'll do is work the Capital Improvement process internally where we'll have departments, the County Administrator Office, and then also we'll have internal core groups, which are internal committees that'll help make decisions on Capital Improvement Projects. After we go through that process in Phase Two we'll bring the completed CIP back to the Commission in May and then we'll get you all's input to see what projects we have in there if there's something you're looking for that did not make it in there. Also, once we go through that with you all and do an analysis on it, we also take it to our Planning Commission, so it will go to our Planning Commission two times and that will happen in the months of August and July and then we'll bring it back, the Capital Improvement Plan, in our final proposed budget document that David Johnston will present on August 8th.



We just kind of break down an overview of CIP. So, CIP is defined as anything with a useful life of five years and also has a total estimate cost of \$50K and they include projects that include construction, reconstruction, rehabilitation and maintenance of capital assets and then also includes equipment. So, all the vehicles and everything that we have going around the city including fire apparatus, Sheriff vehicles, Street vehicles, and also Police vehicles are included in the equipment.

Just to kind of give you an idea of the numbers for dollar amounts for CIP, it's \$95M is what we're spending on CIP in our 2024 Budget currently, so that's about 21% of our \$467M budget. To further break that down \$81M of it is projects and then \$13M of it consist of equipment. I'll turn it back over to our Public Works Director Jeff Fisher.



Mr. Fisher said I want to say Reggie and his team over the last three or four years has really done a lot of work to improve our process for developing the CIP. They've done some excellent work. We really appreciate them. As we've talked about before, we've worked hard to build an objective data driven process that also builds in transparency. I think that has worked well. It is a work in progress each year. We continue to look for ways to improve this. We know as of a few weeks ago the County Administrator shared four priorities for the organization to operate from, infrastructure, economic development, fiscal sustainability, and communications customer service, so we're thinking about those things now as we work through these processes. That's really helpful to us.

Data-Driven Project Selection



Get input from a variety of sources



Score individual criteria with spatial analysis

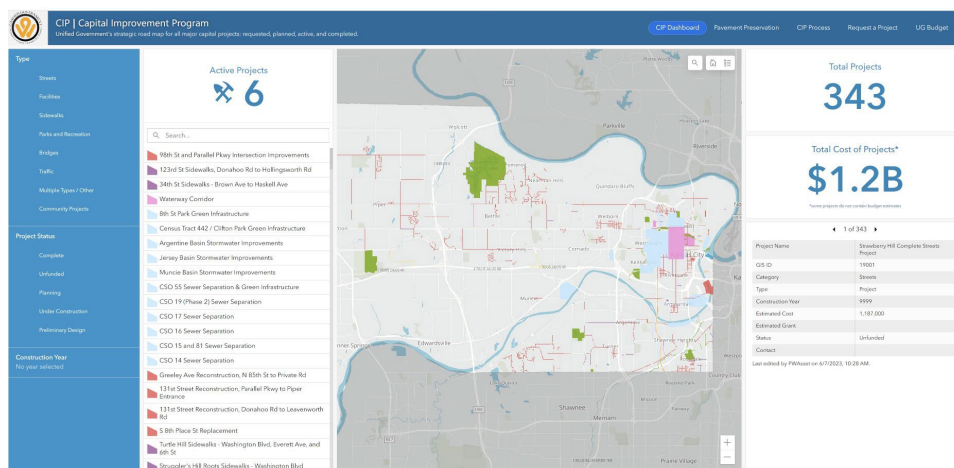


Create budget scenarios



We know also that we've always talked about, you know, as much as we want to be data driven and objective about how the organization invests in infrastructure and assets. There's also a human element in developing it and in the elected body's decision-making process and that's important and also how the public engages in the process.

Improved Project Map



You might recall the UG has developed this interactive map that's out there for the public so this goes a long ways to building transparency. They can get in there and take a look at what the work is going on, what's happened in the past, what's going forward and then also citizens can actually

get in here and request a project be considered. We believe that's really helped building trust in the community and transparency. I know I'm missing something here, but I can't remember.

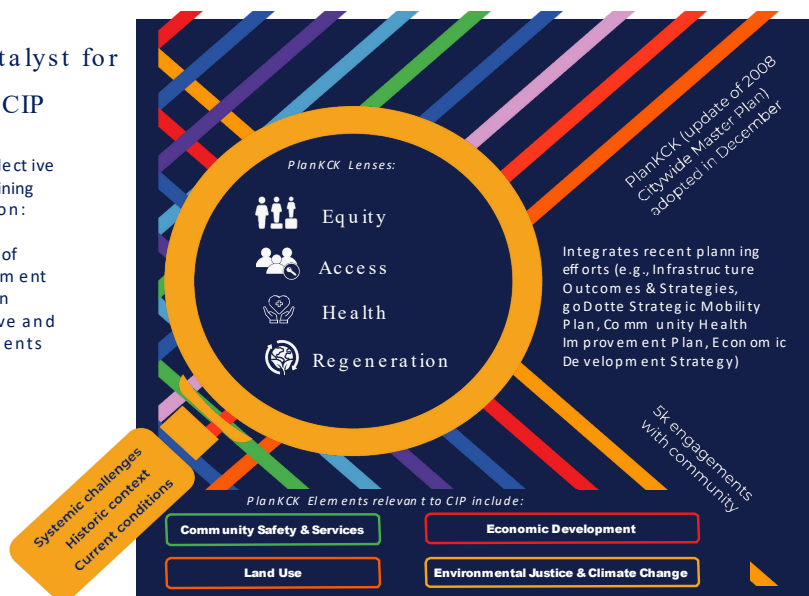


Tanner, being the Asset Manager, is going to remind you kind of the scoring and ranking of the process, how we've done that. Before he gets started, a little story. A few years ago I was invited to an event at one of the churches in the northeast and the discussion was about the historic redlining and the generational impacts as a result of that and so I walked away thinking in our CIP how do we—is there things we can do to recognize that past and ensure that there's equity in the investment throughout the city. So, I asked the team to explore that and they've been working on it for about a year and we had some really talented folks working on that. They made a presentation to the Planning Commission a few weeks ago about this. We've abbreviated that for the purposes of this discussion and solicited some feedback from the elected body on that. I'm going to let Tanner take it from there.

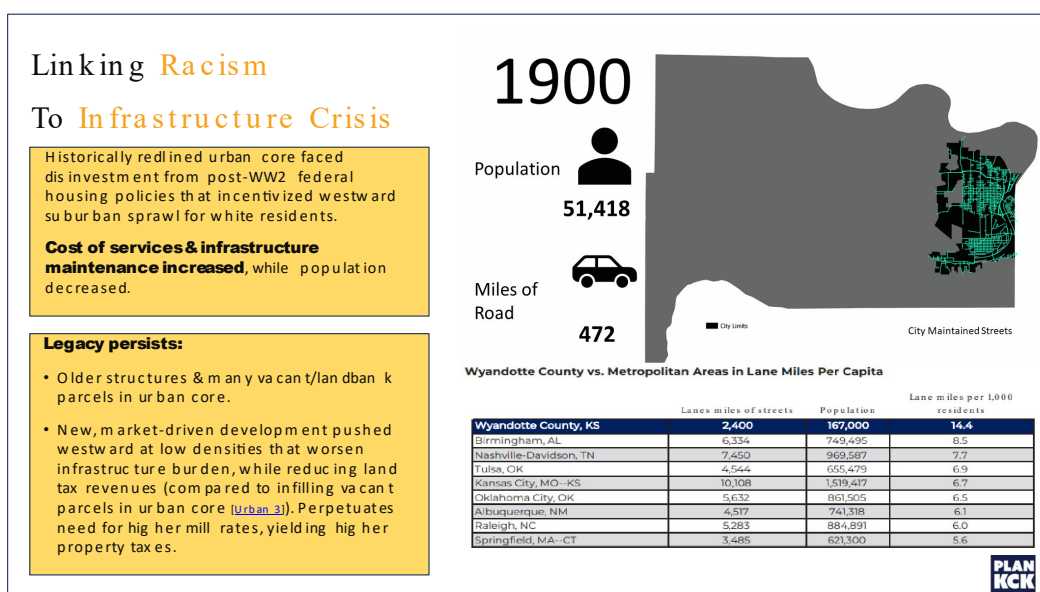
PlanKCK as Catalyst for Improving the CIP

PlanKCK's 25-year, collective vision inspires reimagining CIP's yearly 5-year vision:

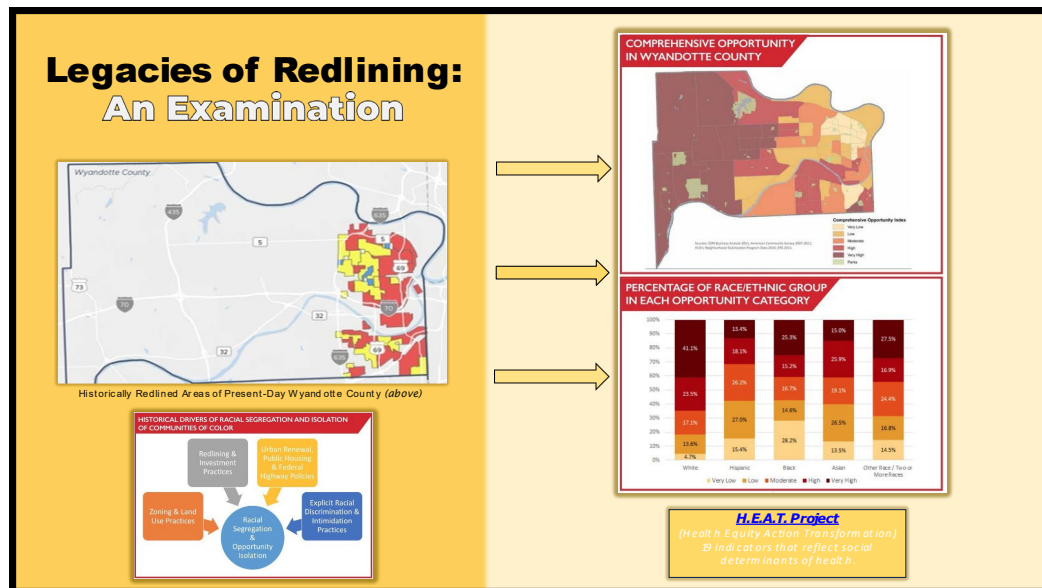
To transcend a legacy of inequity and disinvestment in the past to realize an accessible, regenerative and healthy future its residents dream about.



Tanner Stark, Asset Manager for Public Works, said as he mentioned, I'm just kind of jumping onboard here late in the game, but I'll do my best to convey the spirit of the project and keep moving it forward. So, really we have a couple of visions here. Back at the end of '22 the Commission's Mission Statement was to have an equitable, healthy and prosperous future. Additionally, here from Plan KCK, you can see there's an aim to transcend a legacy of inequity and disinvestment in the past to realize an accessible, regenerative and healthy future. In Public Works we take pride in having a culture of continuous improvement, so in that spirit we wanted to make sure that our CIP aligned with those visions.



First, we'll start by just taking a quick examination of the legacy of inequity. There on the bottom right we have a table of lane miles per resident, which is inordinately high and there's a lot of factors there, but on the left we kind of touch on because of post-World War II Federal Housing Policies. White flight, there was incentivized westward suburban sprawl, so you've got way more lane miles than less total residence, so you're going to have a higher cost of service for a similar level of service and really you'd probably expect to see that in the sewer collections network as well.



In a similar vein, on the left side you have a map of historically redlined areas in Kansas City, Kansas and on the right side you have a map from the H.E.A.T. Project and that was a study that was done a few years back. I think it's Health Equity Action Transformation and identified 19 criteria that were good social determinants of health and so that's mapped out there on that index and it's not hard to look at the correlation and see how they relate and so that also plays into that legacy of disinvestment and equity.

Examples of Potential Biases

Population Served

As residential population estimates. Devalues communities most impacted, underserved, & excluded from political/planning processes.

Commerce

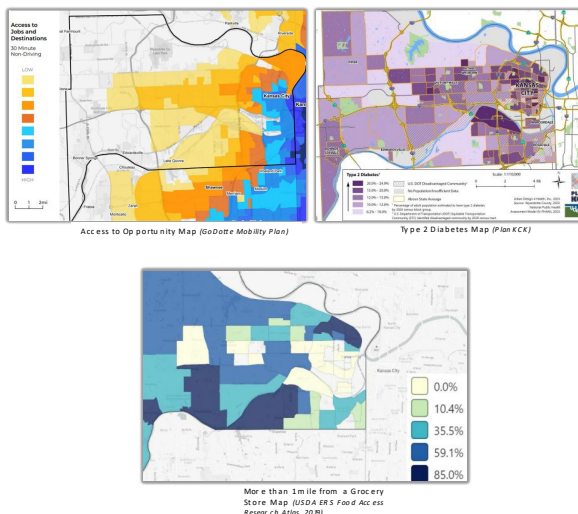
Devalues communities with barriers to retail (e.g., Northeast KCK), despite high population density ([Countywide Market Study](#)) & under-resourced communities with less available income. Related racial disparities include: renters who are extremely cost-burdened & must devote most income to housing/utilities (31.2% Black renters vs. 17.2% of white renters; [WCo 2022 Community Health Assessment](#)).

Community Sites

As the number of destinations that fall into several categories (e.g., grocery stores, healthcare clinics). Devalues communities (e.g., Northeast KCK) who endure scarcities of key amenities.

Safety

(Currently curated) as traffic safety/crash data, which is often underreported for marginalized communities ([Vision Zero](#)) despite how these communities are more likely to experience crashes & more severely impacted by them.

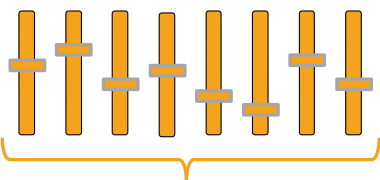


One of the first tasks our group undertook over the course of the year was just to examine existing criteria, re-evaluate them, make sure they were reasonable. Something that stood out to me that I hadn't thought about before was we have a criteria for Commerce, so something that is an area that serves Commerce is going to score highly. You also have areas, for instance, there in the bottom there's a map of areas that are more than one mile from a grocery store, so if you're in that area and you're not close to commerce or grocery store, then you're going to score low on Commerce, so it's definitely something to think about.

Criteria and Weights: A New Category?

Revisit the criteria & weights every two years:

Reassess & formalize our shared values



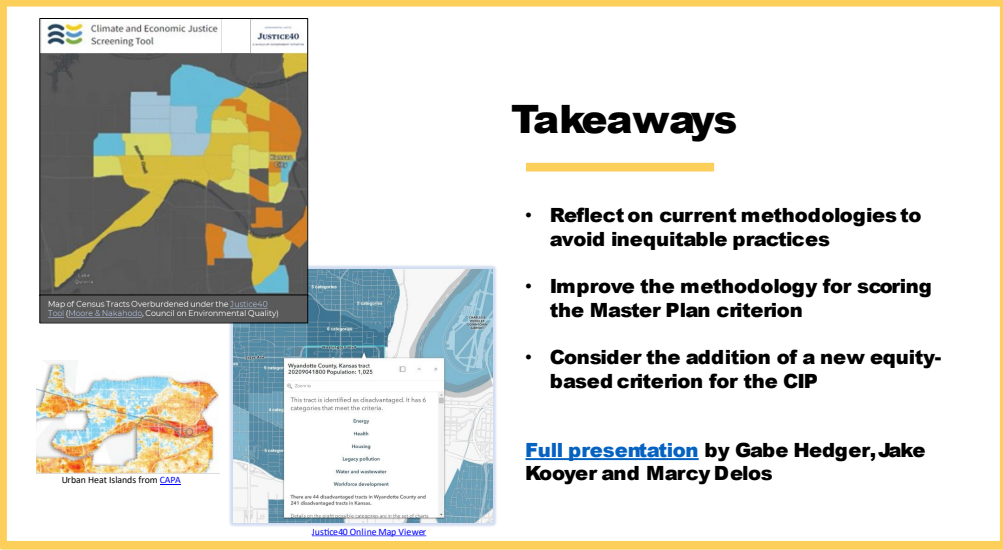
New proposed CIP criterion

Given what our communities have voiced throughout Plan KCK & other planning/engagement efforts (e.g., Health Dept.'s community conversations around systemic racism), as well as insights across assessments & studies

Capital Criteria	Previous	2022 Update
Costs: Future O&M	14	14
Return on Investment (ROI)	13	13
Infrastructure Condition	12	12
Population Served	10	10
Safety	9	10
Master Plans	8	9
Community Sites	8	7
Capacity Needs	8	7
Commerce	6	6
Coordination: Internal/External	6	6
Predictable Project Timing and Scope	6	6

(Modifications in yellow: input from Planning Commission & the Board of Commissioners' Public Works Standing Committee increased weighting of Master Plan & Safety criteria)

This is kind of a more broad overview of our criteria as they exist right now. You'll see the criteria in yellow on the right, are the criteria that were changed in 2022 weight wise, so master plans and safety increased in the weight for the scoring community sites and capacity needs were—they declined slightly. So, part of the project—we also explored the idea of a new criteria altogether, perhaps an equity based criteria and with that being the case just bear in mind if we go that direction, you would have to come up with a reasonable weight for that, that you would score it and then you would have to adjust the other weights as well so that they continue to add up to 100 to fit into our formula.



Takeaways

- **Reflect on current methodologies to avoid inequitable practices**
- **Improve the methodology for scoring the Master Plan criterion**
- **Consider the addition of a new equity-based criterion for the CIP**

Full presentation by Gabe Hedger, Jake Kooyer and Marcy Delos

Actually the map on the top left and the bottom right, that's from the Justice 40 Initiative and so the Justice 40 Initiative stipulates that 40% of certain federal investments have to go to areas of disadvantage and so we actually use that mapping from the federal government on some of our grant applications, I believe, so that would be an example of a good tool you could use in something like an equity category. In the bottom left I included an Urban Heat Index Map from CAPA, which was done a couple years ago I think for both Johnson County and Wyandotte County and that's something I think that could also maybe play into that.

To sum up the work that we did over the last year, we reflected on current methodologies to avoid inequitable practices. We came up with ideas to improve the methodology for scoring the master plan criterion and we explored the possibility of adding a brand new equity based criterion for the CIP and my predecessors put together a much bigger, more thorough deep dive

into the subject, so if it's something that interests you and you want to take a closer look, follow that link there and like I said, it's just much more comprehensive.

Mr. Fisher said thank you Tanner. So the point of that is to share with you that Public Works, Planning, Budget we're looking into these matters and we got some feedback from the Planning Commission and any feedback we get from the elected body tonight we'll go back and explore this further and hone in on things that we believe will be beneficial to the decision-making process and present those findings at a later time even if it's this fall because we definitely want to—if we find things that we believe we want to build in like new criteria, that we want to test it, I also believe Tanner wants to test the existing criteria based on latest information, latest data. So, again, it's a work in progress. We're going to continue to build on that.

Big-Three Outcomes

1

Streets

- Increase the average Pavement Condition Index from 51 to 65 for the entire network by 2045
- Requires sustained annual funding increase of 25%



2

Bridges

- Increase the bridge Sufficiency Index Rating so that the following is true by 2040:
 - At least 40% of structures are within the SI range of 75-100 (Good)
 - At least 20% of structures are within the SI range of 50-74 (Fair)
 - Less than 20% of structures are within the SI range of 25-49 (Poor)
 - Less than 5% of structures are within the SI range of 0-24 (Replace)
- Requires funding of at least \$14-million by 2025
- Requires sustained annual funding increase of 25%



3

Facilities

- Develop a strategic plan with criteria for removing liabilities from inventory
- Study the location of facilities/parks around the city and county
- Gather data to quantify the deferred and future maintenance needs of existing parks



I also want to remind the elected body we have the outcomes and strategies document that the elected body put a lot of time into and then adopted a resolution. The spirit of that was to revisit that annually, measure progress, updated if needed in the budget process, and so we're always ready to do that. I know most of you are familiar with the highlights of that, so I won't go through that in great detail.



We hope that the improvements that we continue to make to the CIP process build in objectivity data driven approach and transparency and that will always be staff's goals in the CIP process along with just making sure you have an informed decision-making process. That's all we have.

Commissioner Bynum said thanks for the presentation and the new look at how we go about doing our business. I would first ask that if you haven't shared the outcomes document with the new commissioners, that we make sure that they have that document and I have some kind of nuts and bolts questions. The first one is to your last page, if you don't mind answering some questions about where we are with some of these really big projects that your department is tasked with tackling starting with the two bridges. If you don't mind, just giving us those updates real quick. One is a grant application in the hands of the federal government and the other one is a grant that is going to be submitted if I'm not mistaken.

Mr. Fisher said right. We actually have three different grant efforts, Kansas Avenue Bridge that we know we were not awarded in this last grant cycle through the Mega Grant. We are pursuing that again. I believe the application will probably be due by May or June like it was last year. KCMO's partnership on that is important and we'll continue to attempt to garner that support, so we'll make that application again this year.

The Central Avenue Bridge, we're pursuing the RAISE Grant. That is preceded by a Planning Grant. I think we submitted that last week or early this week and so we'll go through a

planning exercise that will also include some design and if awarded, that would put us in a very good position for construction monies later.

We also have another program that I think it is called the BIP that we're putting application in for that would help us with a fairly large package of smaller structures. Considering how far we are behind in our sort of overall bridge program, if we were successful with all three of those, it would be huge for this community going forward.

Commissioner Bynum said my second question is going back to the project map. We know that we have prior year projects that were planned for, but didn't occur, so were they budgeted for and is that money being held—maybe Reggie can help. You know you have neighborhoods, for example, where we had said in 2021 or 2022 we're going to do a grind and overlay of this entire neighborhood, but the project didn't happen and we budgeted for it I assume. So, are we holding that funding within that year's budget, but we will eventually—you know, how does that impact the projects that we say we want to get done this year when we clearly have like a backlog of prior year payment improvement projects that didn't get completed?

Mr. Lindsey said it depends on if it's a debted project or if it's a cash project. If it's a cash project and it hasn't been spent, there is the option for us to move that funding forward, but it is something that we look at. Sometimes all of them don't move forward if it's a cash project. If it's a debt project, it kind of depends on the authorization and what year it was in and if we decide we want to authorize that debt. We are in the process now of looking at like projects that might not have been completed in 2022, what will be the fate of those projects as far as if they'll move forward or if the debt will be authorized on them.

Mr. Fisher said if you don't mind, our County Engineer is ready to jump in.

Troy Shaw, County Engineer, said we've had this conversation with Budget and I'll speak specifically to the mill and overlays because that's an annual, it happens every year. It's easy to talk about it through that lens. Historically our practice was we get the money let's say in 2021, it's obligated in January, we didn't spend it or we didn't obligate it even until the end of the year because we bid projects—tried to bid projects at the end of the year because then you get better prices if you bid them over the winter and contractors are ready to go around the next year, so historically our mill and overlays have always been a year behind when the funding was obligated. So, this past year we've started, from direction from Commission and Budget, it's like no, we need

those spent and obligated the year that they're let out so we've started trying to get those back and you'll see us get caught up this year. We've actually bid the project out for last year and we're getting ready to bid the one for this year coming up already, so we're trying to get—that was just—we're catching up on previous practices, we're changing them as we go, so there's a couple year lag. The year that our project was called the 2021 Mill and Overlay usually didn't happen until '22 or '23 just because of when we bid it versus when the budget was obligated. You'll start to see that change this year and next year too.

Commissioner Bynum said okay and so a couple things because one of my questions was kind of from a practical standpoint, should there be a year of catch up, you know, catching up on the projects, but it sounds like you're saying—**Mr. Shaw** said all the funds that were dedicated for the projects that they're dedicated for from a mill and overlay perspective are going to get done. They are getting done. That money is still there. Actually Reggie just worked with—we worked with Reggie's budget team to help us get that money rolled over quickly this year, so they did a great job helping us with that so that we could bid the new project out now and get that caught up this year is the goal. It will still be lagging because we're slowing catching up, but I would say by next year we should be bidding the next year '25 project. It should be ready to go the minute spring rolls around of '25 to start construction. **Commissioner Bynum** asked, are the prices stabilizing at all or is everything just continuing to go up? **Mr. Shaw** said it's better. I mean it's still high, but it's not going up another 25% again. We're seeing them at least level off finally. **Commissioner Bynum** said okay, thank you.

Commissioner Townsend said thank you gentlemen for the update. I want to make sure I leave here with a clear perspective about what all this meant. What I'm hearing is that as a result of putting this project together or in the process of putting it together certain historical shames, for lack of a better term, were factored into when and how certain infrastructure will be done. Is that correct? **Mr. Fisher** said that's what we're exploring. We haven't landed on anything just yet. **Commissioner Townsend** said okay. I'll share this and I'm glad to hear that's a focus because Sunday after church, and I went west to one of my churches, way out on about 85th & Parallel, and the point of going there was so I could conduct pothole patrol from all the way there to 5th & Parallel. Not to catch you off guard, you'll get an email where I detail. I must say there weren't that many potholes as you would expect, but I would say and I paid particular interest to say by

Schlagle, so 62nd on, couldn't find a lot of potholes but that ride was being like inside the tumbler of a washing machine. So, there's just a need from what I experienced Sunday all the way to really by Heathwood Park and a little beyond, that's around 10th & Parallel just to get that stretch repaved. I've gotten a lot of calls and I just went Sunday for the express purpose of doing pothole patrol and all this. If this direction will help speed that up, that's what I'm trying to find out so I can tell my constituents this is when 42nd to 60th is going to be paved or this is when 9th to 10th & Parallel is going to be paved.

Mr. Fisher said based on the way we've been operating very recently is just data driven conditions only, right, regarding street preservation and we know about eight years out, six to eight years out, what streets need to be hit. They're prioritized. This might inform that a little bit differently or might influence that a little bit differently, we don't know yet. I don't know how it would influence the street preservation versus whether we do another Leavenworth Road type project versus Quindaro, don't know that yet. What we do want to know is are there criteria that we can build into this that would influence the process to address any inequities or disparities and where we've—where the UG's been investing and will invest in the future if that makes sense. **Commissioner Townsend** said it does. It's a starting point. Like I said, I'll give you the details and maybe we can look at factoring this in. It also impacts economic development who comes, who doesn't want to come, who wants to live here, who doesn't and then maybe we can focus on a project like Leavenworth Road getting money to do that strip. I think this is looking at a lot of things that had not been considered before, so I'm appreciative of that.

Mr. Fisher said I'll just add one more thing. On potholes we've talked about this before, each year the volume of potholes increases. We were at I'll just say 28,000 or 18,000, I don't remember exactly, but then this year we almost went 10,000 more potholes or something like that. Each year that the PCI falls, especially coming out of winter, the more potholes we're going to see. Fortunately, you all supported getting the two pothole patchers four or five years ago and now we got a new spray patcher this last year and those are going to be extremely helpful to addressing the potholes in a timely manner. But as the potholes increase each year because the PCI follows, we're going to have to increase maintenance dollars to keep up with the potholes until the Street Preservation Program catches up if that makes sense. **Commissioner Townsend** said it does and I want to be clear that I thought there had been a good job done in that stretch that I named because I started out like 80, but I was really concentrating like 60th on back and so most of the potholes

had been addressed. They're only—I'm not going to say a number, I'll rely on my notes, but it was really the quality of the streets. Some just plainly need to be paved over, wasn't a pothole there, but it was a bumpy ride.

I want to commend Public Works for getting out and getting on it. I didn't find that many, but the condition of the streets left a whole lot to be desired that my constituents have been coming to me about. I will say I recall being on the committee under the previous administration that looked at our infrastructure and I think the number that I recall is about 18M needed just to keep up with where we were, not improve the PCI, so I'm very aware of that as well and remember that. Let me see, who else is around here, Commissioner Bynum I recall was on it. I don't know, I think maybe Commissioner Davis as well, but that was very insightful, so I'm aware of that. I commend Public Works for what it has done. We got to do a whole lot more—try to figure out how to do a whole lot more especially on that main thoroughfare.

Commissioner Davis said excellent presentation. I'm actually really, really excited. When we talk about using Justice 40 census tracks and kind of this tool that our federal government has released for investments in projects, I think it would be great for us to parlay that with whatever applications we are putting. If righting historical wrongs and historical disinvestment is a goal of our federal government that we should probably align that with our application efforts and so I am literally excited for what we could create because it can really change the game for our capital investment. On that, have you all done any research on how other cities or other municipalities capture equity when it comes to capital and maintenance improvement? **Mr. Stark** said I know if you go to the link there on one of those slides where it says full presentation, that group did a much deeper dive and they definitely looked across at least 10 to 20 other communities to observe what they were doing right now, so that might be a good starting point.

Commissioner Davis said okay, gotcha. Okay, David was helping me out here, awesome. That's exciting. I'm excited about it. I absolutely think we should take into consideration, and just for the public's awareness when our federal government chose not to invest particularly in the northeast end of Wyandotte County, it has a ripple effect over time. If you do not invest in a particular area and you see depopulation, you do not have the tax base to support the infrastructure and the amenities around that area. We have seen particularly in the Land Bank, and I know many of us are here that serve on the Land Bank Standing Committee, where we are

looking at areas in neighborhoods where it's desolate and we aren't seeing as many single family homes and density that's needed to support this infrastructure. So, I invite you all's creativity as we discuss it.

Regarding streets and potholes, yes and amen to everything Commissioner Townsend said. I've heard a lot of people ask me about it and my response is how much are we talking and how much are we willing to pay because none of this is getting any cheaper. Do we have a number of what we would need to invest. I've heard \$18M, but I don't know if that's adjusted for 2024. Is there a number to reach that 25% increase to get to the desired PCI? **Mr. Fisher** said I believe, Troy, correct me if I'm wrong, we need to be north of \$25M a year. **Commissioner Davis** said and then how much are we doing right now? **Mr. Fisher** said we're on a trajectory—I'm sorry. **Commissioner Davis** asked, how much right now are we investing?

Mr. Shaw said I think between—for the entire program it's roughly around \$10M and what we did and what we'll put in the budget this year when we go through is another 25% increase because we discussed that. I think two years ago we started that so we'll add another 25%. We can get you the numbers on that. The numbers are from two years ago when we did it, but we could add inflation and see what it would turn into, but we did—when we ran those it was 25% a year for x number of years to get us to the PCI score of an average of 65 by I think it was like 2045 or something. I would have to look at the numbers exactly, but yeah, it's 25% a year is what we're on right now. This year we'll put in another 25%. **Commissioner Davis** said okay, so it's kind of an incremental steps to getting there because that is quite a jump to get there.

Regarding facilities, I'm of the opinion that we just own too much. We just own too much. I mean we all just had our presentation with our Appraiser regarding what is happening and we have a lot of nonprofits, we have a lot of Land Bank properties and UG-owned properties, none of them are generating revenue to support the work that you all need to do. So, I'm of the mindset of how do we creatively dispose of UG-owned property responsibly and equitably to ensure that we can start to change that ratio. I sat on the subcommittee for facilities and parks and we talked about the Ameresco Study. Where are we regarding that work and how is that going to influence the current CMIP? **Mr. Fisher** said that's John Kelly, our Facilities Director.

John Kelly, Director of Buildings & Logistics, said we are still working on that with Ameresco. We have some funding this year for them to take more of a deeper dive, but we are looking at some

of the square footage in like City Hall, for example, the Courthouse, and some of our other larger structures to talk about removing some of the outlying smaller buildings to reduce that square foot space, but we are continuing to look at that. Parks is another one. Some of the parks we're looking at and the rec centers, you know, if we're talking about making a state-of-the-art bigger rec center, so there are things that we're still working on, but we don't have anything at this point that's solid that we're talking about. Some of our fire stations, you know, with the new fire stations that are being built, we're looking at removing some of those assets, but at this time we don't have any major big structures that we're looking at. **Commissioner Davis** said gotcha. I just know there's—just looking at that and I think it was a lot of fire stations that were identified as kind of like the D or the F range and my goodness, God bless our firefighters for what they do living in those conditions, but there is potential I think for us to take some of those buildings that we can confidently say we're probably not going to renovate. What does it look like for that to be disposed for private investment.

My last question is just generally about grants. Are we having follow-up meetings with either the federal government or state government, whoever, to just get an idea of why we are not being selected for these projects? **Mr. Fisher** said yeah, we have. Public Works over the last 10 years has secured somewhere in the neighborhood of \$150M in grants. We did not get the Mega Grant, which was disappointing. We did meet with them and did get that feedback. Troy, do you want to speak to that. Troy did get some feedback from the federal government on that.

Mr. Shaw said there were a couple—we went through all the different categories of the grant. We actually did pretty well. There were a couple categories that didn't get our cost ratio benefit—ratio high enough on the Kansas Avenue one for us to make it to the second round. After discussions with them we found some ways that we can tweak that next time to get that ratio higher. That was one of their big concerns and then their second concern was we needed greater support from the KCMO side from the commitment. They gave us a letter, but it wasn't—like we did a commitment in a resolution, they needed something to that level they said would help next time as well. So, those were the two big things that they noted and we're moving forward with that.

While I'm talking about grants, the Central Avenue Bridge, the planning grant that we just submitted, I believe earlier this week, it does have a huge component about the Justice 40 and then there's opportunity because of that and where that bridge is at that we could get the whole

design done or 70% of the design done plus some of the NEPA work and other things with that bridge at 100% federal government funded because of that, so that's what we're trying to get worst case scenario. It may be we may have to spend a little bit, but it's a huge benefit to your point Commissioner. **Commissioner Davis** said okay. Please let us know how we can support particularly if it's just helping and getting our colleagues—I was just on a panel with two City Council women from KCMO, so whatever we can do to help support you all to make our applications more competitive we would love to do so.

Mr. Fisher said I think using those relationships, it will be helpful. I know the County Administrator worked hard to do his part. The Mayor's Office worked hard, staff did. It just wasn't a high enough priority for them this last year.

Commissioner Kane said sometimes we have to think outside the box and I was pretty sure Emanuel Cleaver said he supported the Kansas Avenue Bridge. I know Sharice Davids did for a fact. She's no longer the rep there. It's Jake LaTurner, so I think we need to bring him in the loop and Senator Marshall's office is right over here, so I don't think we should just think small. I think we should think big and get as many of the big dogs in helping us. They have earmarks for these kind of things and I would think that we would think outside the box and pursue those folks because they're the ones who got the big money. I know that Chuck knows some of the same people that I do and we could probably set up meetings with some of those folks to sit down and have that conversation about getting some of that monies.

Mr. Fisher said I agree. Those partners are important. I know we worked with them on this and the UG has secured I'll say somewhere in the neighborhood of \$10 to \$14M in earmarks over the last few years, so Congresswoman Davids has been a big advocate, so we've had good success. She is by the way—her district covers half of that Kansas Avenue Bridge and LaTurner covers the other half. **Mr. Shaw** said I'll also note with the Kansas Avenue Bridge we did work with KDOT through the infrastructure hub and secured—if we would have got that grant for the Kansas Avenue, we would have gotten \$10M from the infrastructure hub as well from the state of Kansas. They were—awarded it to us if we get the grant to help cover our matching portion; however, what they didn't do—we talked to them after we didn't get it, they said what they'll do with that \$10M

since it's been approved already, is roll that over into the program next year, so if we submit for the grant next year and get it, we're very likely to get that same \$10M next year too.

Mayor Pro Tem Burroughs asked, any other questions, comments? Administrator Johnston, do you have anything you wanted to add?

Commissioner Burns said, Jeff, I know I've already spoke to you in private about this, but I think it's very important that you tell your staff that worked during the storms cleaning our streets and doing the best job that was possible and other entities in the metropolitan area ought to follow what your guys do, and ladies I'm sure. So, if you would just tell them that it is deeply appreciated and not gone unnoticed. **Mr. Fisher** said I have and I'll do it again.

Administrator Johnson said I guess to conclude to add some information on this, we had an intense discussion during the last budget process with limitations on revenue. I think we all would like to do more, but we have to be realistic on what we can do. We talked about our level of debt that we've accumulated over decades and how we do debt management is important. We will be talking about our ability to meet the 25% each year increase in infrastructure. I don't think our revenue stream can support that particularly when we have to fund all the rest of the departments and their programs and all that.

I want to bring some rationality to our discussion in that the capital needs are competing against other operational needs and you'll find those types of discussions over the next four or five months that Reggie outlined earlier in this presentation. Infrastructure as articulated by you to me is one of the highest priorities of us. It's expensive and we do participate in grants. They're highly competitive because other cities, counties and states are applying for those grants, so we are active in that and Jeff has told you how well we've done. I also think that there may be a change in the federal approach in the next three to four years because we're not in pandemic funding mode where the federal government is going to be throwing out free cash. So, we took advantage of that with CARES, ARPA, and the Infrastructure money, but we don't know how far the federal government will take that investment because—remember, they're operating on a deficit too and the Fed also just lobbed in the last three or four weeks, the first time you heard from the Fed their concern about

the federal debt level which means a message to the federal agencies be cautious about how much more you're going to be asking here.

That's the environment that we're in. We know we have needs and we're going to strive to meet as many needs as we can, but as we learned in our budget process last year, there's going to be some tough choices on priority setting for us to continue to meet the needs of our citizens. Not to dampen the enthusiasm, but a dose of reality is also important to keep in front of us.

Mayor Pro Tem Burroughs said state and federal grants lower the cost of us doing business which will free up dollars for us to put somewhere else and it can amount to asking and if we don't ask, we don't get, so I do appreciate the comments about the grants. I'm pleased to hear that the grant conversation is continuing to move forward and we're seeing staff comply with the Commission's requests.

One question I have, projects that have been funded or to be funded in the past that haven't gone forward for whatever reason, maybe they've lost favor, maybe they've lost significance in the CPI projects, what happens to those projects and what happens to those dollars that were set aside for those? Do we have many of those that were projects that were put in place five to seven years ago that just haven't advanced and gone anywhere? **Mr. Lindsey** said I don't think we have any projects five or seven years old that haven't went anywhere. **Mr. Fisher** said, yeah, I can't think of any. **Mayor Pro Tem Burroughs** said that's good to hear because I know there have been voices on the Commission that worried about having something in the budget, a project, and it wasn't getting funded for a period of time that went into their Commission district, so I'm pleased to see that we've continued to push forward those issues even when the commissioner may not even be a member of the Commission any longer. I think it's a testimony to staff to continue to move those projects forward.

I don't have any more questions or comments. Does anyone else? Seeing none. Thank you for the presentation and we'll wait just a minute before we go into Executive Session. I'll wait for the individuals to clear the room and we'll have a reading and then we're going to go into Executive Session.

Chairman Burroughs said at this time we will go into Executive Session for a discussion regarding litigation. Do we have a motion for Executive Session?

Commissioner Bynum made a motion, seconded by Commissioner Townsend, to go into Executive Session until 6:15 p.m. in the 5th floor conference room to consult with our attorneys and discuss confidential matters related to pending claims and litigation, as permitted under the Kansas Open Meetings Act; and that David Johnston, County Administrator, Bridgette Cobbins, Assistant County Administrator; Angela Lawson, Acting Chief Counsel, SueZanne Bishop, Senior Counsel; and Spencer Low, Outside Counsel; be present to participate in the discussion and that we reconvene in open station at 6:15 p.m. here in the 5th floor conference room. Roll call was taken and there were eight “Ayes,” Burns, Hill, Kane, Lopez, Stites, Davis, Bynum, Townsend. **Kane, Commissioner Fifth District;** dismissed himself at 5:57 p.m. due to conflict of interest.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Burroughs, Mayor Pro Tem, presiding. **Staff present:** David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; SueZanne Bishop, Senior Counsel; Bridgette Cobbins, Assistant County Administrator; and Spencer Low, Outside Counsel.

Mayor Pro Tem Burroughs reconvened back into Special Meeting at 6:15 p.m.

Commissioner Burns made a motion, seconded by Commissioner Hill, to go back into Executive Session until 6:30 p.m. Roll call was taken and there were seven “Ayes,” Burns, Hill, Lopez, Stites, Davis, Bynum, Townsend.

Commissioner Townsend made a motion, seconded by Commissioner Bynum, to adjourn. Roll call was taken and there were eight “Ayes,” Burns, Hill, Kane, Lopez, Stites, Davis, Bynum, Townsend.

**MAYOR PRO TEM BURROUGHS AJOURNED
THE MEETING AT 6:31 p.m.**

Monica L. Sparks
Interim Unified Government Clerk

dt

February 29, 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: December 28, 2023

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

BM

Weekly Business Material for December 22, 2023 – December 28, 2023

1. PROTEST PETITION:

Against Change of Zone COZ2023-027, 9205 Garfield Ave., KCK, submitted by Garry M. Johnson.

Action: Received and filed. Original was previously forwarded to Planning.

2. CLAIM FOR DAMAGES:

- Jesus Jose Abarca, Kansas City, KS, alleging property damage due to a water main break, on November 22, 2023 located at the claimant's residence, 2115 S 18th St.
- Brianna Baylon Pinuelas, Kansas City, KS, alleging injuries due to an accident at Carl B Bruce Middle School, on January 2, 2022 located at 2100 N 18th Street.

Action: Received and filed. Copies previously forwarded to Legal.

3. TRAVEL REQUESTS:

- Jacob Sledd and Kalven Torne, KCKPD, travel to Houston, TX, January 2-5, 2024, regarding Investigation NP23-04, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.



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 11, 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

BM

Weekly Business Material for January 5, 2024 – January 11, 2024.

1. PUBLIC NOTICE:

- All City Tow Service, 1015 S Bethany St., KCK 66105, held a public auto auction on December 14, 2023, at All City Tow Service.

Action: Received and filed.

2. CLAIM FOR DAMAGES:

- Dorotha Tilley, Fortsmith, AR, alleging property damage to a family member's headstone, on December 27, 2023, located at MT Hope Cemetery, 631 North 126th St.

Action: Received and filed. Copies previously forwarded to Legal.

3. SUMMONS:

The Unified Government of Wyandotte County/Kansas City, KS vs., James A. Burton, Case No. 24CV12.

Action: Received and filed. Copy previously forwarded to Legal.

4. TRAVEL REQUESTS:

- James Schroeder, Community Corrections – Youth Services, travel to Overland Park, KS, January 16 – November 13, 2024, to attend Certified Public Manager training, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.



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 18, 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

BM

Weekly Business Material for January 12, 2024 – January 18, 2024

1. PUBLIC NOTICE:

Alandon Tow Service, 6224 Kansas Avenue, KCK 66111, held a public auction on January 9, 2024.

Action: Received and filed.

2. CLAIM FOR DAMAGES:

- Paula Wright, Olathe, KS, alleging injuries due to a fall in front of the Wyandotte County Courthouse on December 19, 2023.
- Michael Jones, Kansas City, KS, alleging damage to his personal mailbox from a Unified Government plow truck clearing the roads on January 16, 2024.
- Mark Vaughn, Kansas City, KS, alleging damage to his personal vehicle from a Unified Government plow truck on January 9, 2024.

Action: Received and filed. Copies previously forwarded to Legal.

3. SUMMONS:

Lisa Casey vs. The Unified Government of Wyandotte County/ Kansas City, KS., Case No. 2:24-cv-2005.

Action: Referred to Legal. Copy previously forwarded to Legal.

4. TRAVEL REQUESTS:

- Terrie Garrison, Heath Department, travel to Oakland, CA, April 13-16, 2024, to attend the Association of Maternal and Child Health Programs Annual Conference, Employee Training & Travel.
- Cameron Morgan, KCKPD, travel to Phoenix, AZ, February 5-10, 2024, to attend Amped Five Main Class, FY20 CBCR Grant.

Action: Approved by Administrator's Office and received and filed.

5. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:

- Custom Limousine Inc
- Loomis Armored US LLC (CERT)
- S-K Security
- VETForce Inc

Action: Referred to License.

6. BUSINESS BONDS:

- Electrical Bonds:
 - Big Electric Inc
 - Capital Electric Line Builders
 - Core Electric ()
 - Crockett Electric Company Inc
 - Empire Electric Services
 - Fatboy Electric Inc
 - Four Star Electric LLC
 - Heritage Electric LLC
 - KC1 Service Co.
 - KL Electrical LLC
 - L&M Electric
 - Lesser Electric ()
 - Mark One Electric Co Inc
 - Max Electric Inc
 - Murphy Electric
 - Shamrock Electric Inc
 - Sosaya & Sons Construction Inc
 - Staco Electric Construction Co
 - Steve's Electric LLC
 - The Islas Fam
 - Tri-State Water Power and Air
 - Westhues Electric Inc
- Plumber's Bonds:
 - Allen Plumbing
 - KC Sunshine Services LLC
 - Kinney's Plumbing Co
 - Mid America Home Repair LLC
 - MMC Contractors National Inc
 - Piper Plumbing & Drain Service
 - The Islas Fam
 - Tri-State Water Power and Air
- Mechanical/HVAC Bonds:
 - B.L Air Inc
 - Auto-Owners Insurance Co.

- C and D Heating & Cooling
 - CLR Heating & Cooling LLC
 - Complete Heating and Air Conditioning LLC
 - Gorman's Heating and Cooling LLC
 - Little River Heat and Air LLC
 - McCarty Mechanical Inc
 - MMC Contractors National Inc
 - Sheet Metal Contractors Inc
 - The Islas Fam
 - Universal Service Agency
 - Wejely Heating and Cooling
- Sign Hanger's Bond:
 - Excel Lighting LLC
 - Septic/Cess Pool Hanger's Bond:
 - Lexington Plumbing

Action: Referred to License.

7. CONTINUATION CERTIFICATES:

- Plumbers Bonds:
 - Conard Plumbing Inc
 - Homemeister LLC
 - IPlumbKC LLC
 - KC Drain Pros
 - Lexington Plumbing
 - McElroy's Inc
 - Moore Heating and Air
 - Plumbing Plus Inc
 - Summit Heating & Cooling LLC
 - The Plumbing Pro LLC
- Mechanical/HVAC Bonds:
 - AL-HAM Heating & Cooling
 - Design Mechanical Inc
 - MC Intosh Heating & Cooling
 - McElroy's Inc
 - Moore Heating and Air
 - Steve's Electric Inc
 - Summit Heating & Cooling LLC
 - TDR Heating and Cooling LLC
 - Temp-Con LLC
- Electrical Bonds:
 - Ace Electric LLC
 - D.L Smith Electric Construction

- Eco Electric
 - Epic Electric Service Corp
 - Intelligrated Services LLC
 - Interstates Inc
 - JMC Services Inc
 - KC Electric Group LLC
 - Moore Heating and Air
 - Pride Services Inc
 - Rozier Electric Inc
 - RW Electrical and Construction
 - Sachs Electric Co
 - Steve's Electric Inc
 - Suburban Electric
 - Trademark Electric Inc
- Second Hand/Junk Dealer Bonds:
 - Gold Rush LLC
 - Sign Hanger's Bond:
 - Yellow Frog Graphics
 - Septic Bonds:
 - H &H Septic Services
 - Truninger Brothers

Action: Referred to License.

8. CANCELLATION NOTICE OF INSURANCE/BOND:

- Electrical Bonds:
 - H. A. Electric LLC
- Mechanical/HVAC Bonds:
 - Bassett HVAC
 - MOJO Heating and Cooling LLC
- Plumbers Bonds:
 - Charles James (x2)
- Sign Hanger's Bond:
 - Midwest Sign Company LLC

Action: Referred to License.

9. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

- VetForce Security Inc, D/B/A VetForce Security Inc, 6616 E Connecticut Ave., Kansas City, MO 64120.
- Sole Owner LLC, D/B/A SK Security LLC, 3200 Merriam Ln., Kansas City, K 66106.

Action: Referred to License.



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 OPTIONS		
SYNOPSIS		
The following option application(s) was presented at the 03/04/2024 Neighborhood and Community Development Standing Committee, submitted by Jud Knapp, Land Bank Manager. Please visit the new site to review the applications below. https://gisapp.wycokck.org/Landbank.html A. Single Family Homes - 15 homes B. Multi-Family - 50 units C. Commercial - 1		
BACKGROUND		
The following option application(s) was presented at the 03/04/2024 Neighborhood and Community Development Standing Committee, submitted by Jud Knapp, Land Bank Manager. Please visit the new site to review the applications below. https://gisapp.wycokck.org/Landbank.html A. Single Family Homes - 15 homes B. Multi-Family - 50 units C. Commercial - 1		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		

ATTACHMENTS
FC Memo Land Bank Options 03.28.24 CONSENT (1)

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: March 25, 2024
SUBJECT: Option applications for consideration

The following **option application(s)** was presented at the 03/04/2024 meeting:

Please visit the new site to review the applications below

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

A. Single Family Homes – 15 Homes

1. DeJah Boudreaux – 1 home
 - i. 106 S Iowa St – 139876
2. DeJah Boudreaux – 1 home
 - i. 747 Seminary St – 902318
3. DeJah Boudreaux – 1 home
 - i. 646 Seminary – 139712
4. Octavion Phelps – 1 home
 - i. 2817 S 28th St – 149838
5. Vinod Reddy Vadhi – 1 home
 - i. 2124 s 39th St – 168933
6. Habitat for Humanity – 072286
 - i. 1263 Shawnee Ave – 072286
7. Miguel Cadena – 2 homes
 - i. 1131 Richmond Ave – 098083
 - ii. 1129 Richmond Ave – 098082
 - iii. 1137 Richmond Ave – 098085
8. Ashely Estis – 1 home
 - i. 7812 Haskell Dr – 011026
9. Denis A Mendoza – 1 home
 - i. 6281 Parallel Pkwy – 245604
10. Rene Quezada – 1 home
 - i. 1834 Walker Ave – 065330
11. Karmal Rhodes – 1 home
 - i. 726 Greeley Ave – 111515

12. Darius Tamizkar – 1 home
 - i. 239 Shadyside Ave – 200125
13. Jason Bowman – 1 home
 - i. 616 Beach St – 216622
14. Ephraim Woods Jr – 1 home
 - i. 2210 N 10th St - 156721

B. Multi Family – 50 Units

1. Greg Take – 50 units
 - i. 14 S 34th ST – 065602
 - ii. 13 S 34th St – 065604
 - iii. 10 S 34th St – 065601
 - iv. 4 S 34th St – 065600

C. Commercial – 1

1. Vibrant Health
 - i. 1414 Stewart Ave – 158019
 - ii. 1412 Stewart Ave – 158018
 - iii. 1410 Stewart Ave – 158017
 - iv. 1408 Stewart Ave – 158016
 - v. 1406 Stewart Ave – 158015
 - vi. 1404 Stewart Ave – 158014
 - vii. 1326 Stewart Ave – 158012
 - viii. 1324 Stewart Ave – 158011
 - ix. 1322 Stewart Ave – 158010
 - x. 1318 Stewart Ave – 158008
 - xi. 1324 Stewart Ave – 158011
 - xii. 1314 Stewart Ave – 158007
 - xiii. 1324 Stewart Ave – 158011



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jud Knapp, Acting Land Bank Manager jknapp@wycokck.org x5472	Land Bank Approvals
AGENDA ITEM #XV.2.		
LAND BANK PROPERTY TRANSFERS		
SYNOPSIS		
The following property transfers were presented at the 03/04/24 Neighborhood and Community Development Standing Committee, submitted by Jud Knapp, Land Bank Manager. Please visit the new site to review the applications below. https://gisapp.wycokck.org/Landbank.html 10 Property Transfers from the UG into the Land Bank		
BACKGROUND		
The following property transfers were presented at the 03/04/24 Neighborhood and Community Development Standing Committee, submitted by Jud Knapp, Land Bank Manager. Please visit the new site to review the applications below. https://gisapp.wycokck.org/Landbank.html 10 Property Transfers from the UG into the Land Bank		
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:



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: March 22, 2024
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** was presented at the 03/04/24 standing committee meeting:

Please visit the new site to review the applications below
<https://gisapp.wycokck.org/Landbank.html>

PT – Property Transfers

1. UG to Land Bank - 10
 - i. 1616 Stewart Ave – 158122
 - ii. 1612 Stewart Ave – 158121
 - iii. 1608 Stewart Ave – 158119
 - iv. 1606 Stewart Ave – 158029
 - v. 1600 Stewart Ave – 158028
 - vi. 1518 Stewart Ave – 158025
 - vii. 1334 Stewart Ave – 158013
 - viii. 1320 Stewart Ave – 158009
 - ix. 2074 N 13th St – 158000
 - x. 2072 N 13th St – 907200



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jud Knapp, Acting Land Bank Manager jknappp@wycokck.org x5472	Land Bank Approvals
AGENDA ITEM #XVI.1.		
LAND BANK OPTIONS		
SYNOPSIS		
The following option application(s) was presented at the 03/04/2024 Neighborhood and Community Development Standing Committee, submitted by Jud Knapp, Land Bank Manager. This item received a vote 4 to 1. Please visit the new site to review the applications below. https://gisapp.wycokck.org/Landbank.html B. Multi Family - 37 units		
BACKGROUND		
The following option application(s) was presented at the 03/04/2024 Neighborhood and Community Development Standing Committee, submitted by Jud Knapp, Land Bank Manager. This item received a vote 4 to 1. Please visit the new site to review the applications below. https://gisapp.wycokck.org/Landbank.html B. Multi Family - 37 units		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		

ATTACHMENTS
FC Memo Land Bank Options 03.28.24 NON CONSENT

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: March 25, 2024
SUBJECT: Option applications for consideration

The following **option application(s)** was presented at the 03/04/2024 meeting:
Please visit the new site to review the applications below
<https://gisapp.wycokck.org/Landbank.html>

B. Multi Family – 37 Units

1. Wall-ties & Forms INC – 37 units
 - i. 827 Stewart Ave – 111573
 - ii. 825 Stewart Ave – 111574
 - iii. 826 Stewart Ave - 111575
 - iv. 827 Stewart Ave - 111576
 - v. 828 Stewart Ave - 111577
 - vi. 824 Parallel Ave – 111570
 - vii. 810 Parallel Ave – 111569
 - viii. 808 Parallel Ave – 111568
 - ix. 806 Parallel Ave – 111567
 - x. 811 Parallel Ave – 095051
 - xi. 807 Parallel Ave – 095049
 - xii. 803 Parallel Ave – 095048
 - xiii. 801 Parallel Ave – 095047
 - xiv. 800 Troup Ave – 095067
 - xv. 827 Troup Ave – 095104
 - xvi. 823 Troup Ave - 095103