

**JULY 25, 2024 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
UPDATED 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/82316972252>

Webinar ID: 823 1697 2252

Or One tap mobile:

+16699009128,82316972252# US (San Jose)

+17193594580,82316972252# 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, +1 309 205 3325 US, +1 312 626 6799 US (Chicago), +1 360 209 5623 US, +1 386 347 5053 US, +1 507 473 4847 US, +1 564 217 2000 US, +1 646 558 8656 US (New York), +1 646 931 3860 US, +1 689 278 1000 US, +1 301 715 8592 US (Washington DC), +1 305 224 1968 US

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

International numbers available: <https://us02web.zoom.us/j/82316972252>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY CHAPLAIN LAMAR MARTIN, JR., MT. SINAI
MISSIONARY BAPTIST CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JULY 25, 2024, AGENDA
Update: Adding Item Nos. 3 and 4 to the Mayor's Agenda
And Presentation to Public Hearing Agenda Item.**
- VI. MAYOR'S AGENDA**
- VII. CLERK'S STATEMENT**
- VIII. PLANNING AND ZONING CONSENT AGENDA**
- IX. PLANNING AND ZONING NON-CONSENT 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

VI. MAYOR'S AGENDA

1. **PRESENTATION/PROCLAMATION: MR. EDWARD DWIGHT JR.**
Synopsis: Proclamation and presentation of the Key to the City to Mr. Edward Dwight Jr.
Tracking #: 21276
2. **PRESENTATION: RECOGNITION OF DOTTE PROUD RECIPIENTS**
Synopsis: A presentation for Dotte Proud recognition to 2 individuals and 15 organizations.
Tracking #: 21275
3. **RECOGNITION: CHESTER AND LILLIE OWENS/ STRUGGLERS' HILL-ROOTS NEIGHBORHOOD CELEBRATION (ADDED PER AGENDA UPDATE)**
Synopsis: Recognition of the celebration held July 19 and 20, 2024 renaming the Chester and Lillie Owens Street and neighborhood celebration.

For Information Only

Tracking #: 21294

4. **RECOGNITION: COLUMBIAN AMERICAN/ NATIONAL HISPANIC CHAMBER OF COMMERCE ANNUAL FESTIVAL (ADDED PER AGENDA UPDATE)**
Synopsis: Recognition of the Columbian American/National Chamber of Commerce Annual Festival held July 20, 2024, in Kansas City, Kansas.

For Information Only

Tracking #: 21295

VII. CLERK'S STATEMENT

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

VIII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2023-035 - RYAN DENK**

Synopsis: Change of Zone from MP-1 Planned Light Industrial and Industrial Park District to MP-2 Planned General Industrial District to construct a lay down yard at 1625 South 86th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21258

2. **COZ2024-018 - CESAR GONZALEZ**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep animals on the property with multiple accessory structures at 4110 North 55th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21261

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2023-117 - STEVE SHORT WITH WESTHILLS INDUSTRIAL PARK**

Synopsis: Renewal of a Special Use Permit (SP-2019-20) to continue on-site grading and dirt removal at 1625 South 86th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 5 YEARS.

Tracking #: 21259

2. **SP2024-009 - ALYSSA PRASIL WITH BANK OF LABOR**

Synopsis: Special Use Permit to keep a temporary building on site while the primary structure is renovated at 1120 North 8th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21262

3. **SP2024-035 - ANDREW BESELICA**

Synopsis: Renewal of a Special Use Permit (SP2023-052) to continue to operate a non-owner-occupied Short-Term Rental at 2504 West 47th Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21255

4. **SP2024-036 - JORDAN PETER WITH KANSAS GAS SERVICE**

Synopsis: Renewal of a Special Use Permit (SP-2022-004) to continue operating a pipeline maintenance and digging training facility at 8535 Riverview Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 5 YEARS.

Tracking #: 21256

5. **SP2024-037 - SYLVIA KING WITH TURTLE HILL COMMUNITY ASSOCIATION**
Synopsis: Special Use Permit for a private pocket park with small-scale events at 600 Washington Boulevard and 1308 North 6th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 (INDEFINITE).
Tracking #: 21263
6. **SP2024-038 - RIAD BAGHDADI WITH RB ARCHITECTURE ENGINEERING AND CONSTRUCTION**
Synopsis: Special Use Permit for the expansion of an automotive/heavy truck repair operation at 919 South 26th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.
Tracking #: 21264
7. **SP2024-039 - PATRICK LEMOREUX**
Synopsis: Home Occupation Special Use Permit to produce bath products at 49 South 64th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.
Tracking #: 21265
8. **SP2024-041 - VENKATESWARA CHADALAWADA**
Synopsis: Special Use Permit to operate a liquor store at 9801 Parallel Parkway, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 1 YEAR.
Tracking #: 21266

C. ORDINANCE AMENDMENT

1. **AN ORDINANCE** (Streets for People Ordinance) setting the permissible time and place for mobile vending vehicles and for their operation within private property, **RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.**
Tracking #: 21267

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

1. AN ORDINANCE rezoning property located at approximately 3612 Emmons Drive (COZ2024-004), from R-1(B) Single Family District to A-G Agriculture District, RECOMMENDED FOR APPROVAL.
Tracking #: 21257
2. AN ORDINANCE rezoning property at approximately 4140 North 60th Street (COZ2024-008), from R-1 Single Family District to A-G Agriculture District, RECOMMENDED FOR APPROVAL.
Tracking #: 21260
3. AN ORDINANCE rezoning property at 3354-3356 North 60th Terrace (COZ2024-009) from R-1 Single Family District to R-2 Two Family District, RECOMMENDED FOR APPROVAL.
Tracking #: 21277

4. AN ORDINANCE authorizing a Special Use Permit (SP2024-020), for continuation of extracting material/fill with State approved rubble and recycling and adding the production and stockpiling of sand at 8205 and 8251R Kaw Drive and 2103 South 84th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21269
5. AN ORDINANCE authorizing a Special Use Permit (SP2024-022), for continuation of a sand plant and dredging operation and adding the production and stockpiling of sand at 2400 South 78th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21270
6. AN ORDINANCE authorizing a Special Use Permit (SP2024-026), for continuation of a drinking establishment with live entertainment at 403 North 5th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21271
7. AN ORDINANCE authorizing a Special Use Permit (SP2024-029), for continuation of a Short-Term Rental at 4443 Eaton Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21272
8. AN ORDINANCE authorizing a Special Use Permit (SP2024-024) for continuation of live entertainment in conjunction with Tanner's Bar and Grill at 3900 Rainbow Boulevard, RECOMMENDED FOR APPROVAL.
Tracking #: 21273
9. AN ORDINANCE authorizing a Special Use Permit (SP2024-030) for a 10-day hazardous material/waste transfer station at 5510 Kansas Avenue, RECOMMENDED FOR APPROVAL.
Tracking #: 21278
10. AN ORDINANCE authorizing a Special Use Permit (SP2024-031) for continuation of a non-owner-occupied Short-Term Rental at 2737 South 53rd Terrace, RECOMMENDED FOR APPROVAL.
Tracking #: 21279
11. AN ORDINANCE authorizing a Home Occupation Special Use Permit (SP2024-032) to assemble jewelry at 5814 Parkview Avenue, RECOMMENDED FOR APPROVAL.
Tracking #: 21282
12. AN ORDINANCE authorizing a Special Use Permit (SP2024-034) for continuation of a Short-Term Rental at 4101 Fisher Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21283
13. AN ORDINANCE vacating an utility easement (VAC2024-003) at 5222 and 5228 North 130th Terrace, RECOMMENDED FOR APPROVAL.
Tracking #: 21286

14. AN ORDINANCE vacating a sanitary sewer easement (VAC2024-004) at 1491 North 98th Terrace, RECOMMENDED FOR APPROVAL.

Tracking #: 21284

15. AN ORDINANCE vacating a sanitary sewer easement (VAC2024-005) at 9700 State Avenue, RECOMMENDED FOR APPROVAL.

Tracking #: 21285

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR JULY 25, 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. REGULAR CONSENT AGENDA

1. **RESOLUTION: THIRD AMENDMENT TO ASSIGNMENT, ASSUMPTION AND SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT**

Synopsis: Adopt the Third Amendment to the Assignment, Assumption and Second Amended and Restated Development Agreement for the Homefield project.

*On July 8, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21213

2. **RESOLUTION: FIRST AMENDMENT TO TAX DISTRIBUTION AGREEMENT WITHIN CERTAIN AREAS OF THE VILLAGE EAST STAR BOND DISTRICT**

Synopsis: Adopt a resolution authorizing a First Amendment to the Tax Distribution Agreement involving the Series 2022 Bonds in certain project areas of the Village East STAR Bond District.

*On July 8, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21218

3. **ORDINANCE: AMENDING COMMUNITY BENEFITS ORDINANCE**

Synopsis: Approval of an amended Section 27-801 of the Municipal Code (Community Benefits Fund) to identify the minor home repair program administered through Livable Neighborhoods as an eligible expenditure.

On December 7, 2023, The Board of Commission previously approved O-160-23 establishing the Community Benefits Fund and permitted expenses.

*On July 8, 2024, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.*

Tracking #: 21227

4. **MINUTES**

Synopsis: Minutes from the Regular Session meeting on May 25, 2023, and the Special Session meeting on June 27 and July 11, 2024.

Tracking #: MINUTES

5. **WEEKLY BUSINESS**

Synopsis: Weekly business materials dated June 13 and 20, 2024.

Tracking #: WEEKLY BUSINESS

X. PUBLIC HEARING AGENDA

1. **RESOLUTION: MIES WHOLESALE MEATS INDUSTRIAL REVENUE BONDS**

Synopsis: There are two items to be addressed:

1. A public hearing to receive comments regarding the intent to issue Industrial Revenue Bonds for Mies Wholesale Meats;
2. Resolution of intent to issue Industrial Revenue Bonds for Mies Wholesale Meats in the amount of \$17,450,000 for property located at 6036 Speaker Road.

*On July 8, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted 5-1 to approve and forward to the full commission.*

Tracking #: 21214

XI. STANDING COMMITTEES' AGENDA

XII. ADMINISTRATOR'S AGENDA

XIII. COMMISSIONERS' AGENDA

XIV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. **LAND BANK OPTIONS**

Synopsis: The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed items and forward it to the Land Bank Board of Trustees for final consideration.

Please visit the site to review the applications below.

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

11 Single Family Homes
6 Multi-Family Units
1 Commercial

*On July 8, 2024, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 21210

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

1. LAND BANK OPTIONS

Synopsis: The following option applications were presented at the July 8, 2024, Neighborhood & Community Development Standing Committee:

Please visit the new site to review the applications below

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

1. Katherine Dodd – 1 home
2828 N. Hallock St. – 292427
2. Terri Walker – 1 home
2526 N Hallock St. – 292426

*On July 8, 2024, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to set these items over the next standing committee hearing date (July 29, 2024). These items have been requested to be heard on the July 25, 2024, Land Bank Board of Trustees Non-Consent Agenda.*

Tracking #: 21292

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, JULY 25, 2024**

ADDING ITEMS

VI. MAYOR’S AGENDA

**Item No. 3 – RECOGNITION: CHESTER AND LILLIE OWENS/
STRUGGLERS’ HILL-ROOTS NEIGHBORHOOD CELEBRATION**

Synopsis: Recognition of the celebration held July 19 and 20, 2024 renaming the Chester and Lillie Owens Street and neighborhood celebration.

For Information Only

Tracking #: 21294

**Item No. 4 – RECOGNITION: COLUMBIAN AMERICAN/ NATIONAL
HISPANIC CHAMBER OF COMMERCE ANNUAL FESTIVAL**

Synopsis: Recognition of the Columbian American/National Chamber of Commerce Annual Festival held July 20, 2024, in Kansas City, Kansas.

For Information Only

Tracking #: 21295

ADDING DOCUMENTS

X. PUBLIC HEARING AGENDA

**Item No. 1 – RESOLUTION: MIES WHOLESALE MEATS INDUSTRIAL
REVENUE BONDS**

- **Mies Family Foods Presentation**



PROCLAMATION

- WHEREAS,** Edward Dwight Jr. loved the sky as a child, during late-night walks with his mother near the old Fairfax Municipal Airport, learning about the planets and constellations; and
- WHEREAS,** Mr. Dwight Jr's father and namesake played baseball with the Kansas City Monarchs. His mother was a college-educated woman who wanted to make sure her son had the best opportunities in life; and
- WHEREAS,** his mother petitioned the Vatican to allow Dwight and his sister to Bishop Ward Catholic High School, which was then segregated. He became the first Black man to graduate from there in 1951; and
- WHEREAS,** after high school, Mr. Dwight earned an associate's degree in engineering in 1953 from Kansas City Kansas Junior College (now Kansas City Kansas Community College). In 1957, while training to become a test pilot, he graduated cum laude from Arizona State University with a Bachelor of Science degree in aeronautical engineering; and
- WHEREAS,** in 1961, Mr. Dwight was selected by President John F. Kennedy as the first Black astronaut candidate; and
- WHEREAS,** though he overcame obstacles to have a successful space career it abruptly ended when President Kennedy was assassinated as he was not selected for the 1969 Apollo Mission to the moon; and
- WHEREAS,** though he did not have a space career, he became an acclaimed painter and sculptor. spending the last five decades creating more than 132 monuments of iconic Black figures, such as Dr. Martin Luther King Jr., Harriet Tubman, and Frederick Douglas.
- WHEREAS,** in May 2024 after waiting 60 years, Mr. Edward Dwight, Jr. became the oldest person to reach space with a flight aboard a Bule Origin rocket.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim July 25, 2024, as:

“Edward Dwight Jr. Day”

in Wyandotte County/Kansas City, Kansas. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

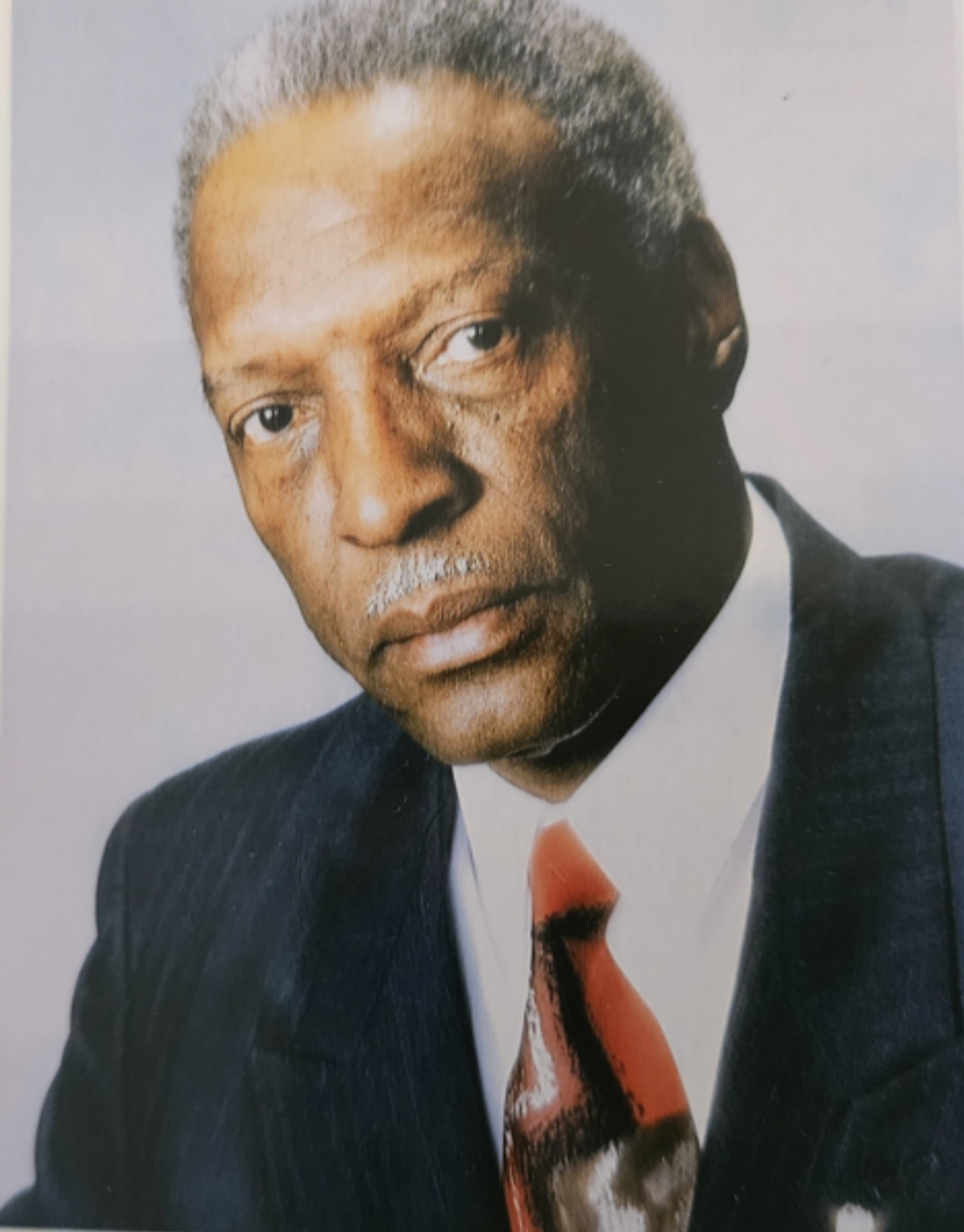
TYRONE GARNER, MAYOR/CEO



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office
AGENDA ITEM #VI.2.		
PRESENTATION: RECOGNITION OF DOTTE PROUD RECIPIENTS		
BACKGROUND		
A presentation for Dotte Proud recognition to 2 individuals and 15 organizations.		
RECOMMENDATION		
For information only		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
July 25 Presentation		

Approved by Mayor and/or Chair and Administrator to add to agenda.



Mr. Robert Lee Milan Sr.



Graduate of Sumner High School, attended KCK Community College, Donnelly College, the University of Colorado, Temple University and Pioneer College.



1968 Trained as the first certified bowling instructor in the Kansas City Area.



Served at the U.S. Department of Labor for 33 years, retiring as a Federal Representative



Member of the Northeast Optimist Club for the past 51 years, serving as President, Vice President and Lt. Governor



Active member of the NAACP



32 consecutive years of service as a member of the Board of Directors for the Board of Public Utilities in Kansas City Kansas



Longest serving public official in Wyandotte County



Representative Louis Ruiz



**Spent 30 years at
Lucent
Technologies and
its predecessors
Western Electric
and AT&T**



**First elected in
2004 to the 31st
House District in
Kansas**



**Tireless Advocate
for Latino
Community and
Working Kansans
and defender of
voting rights and
antidiscrimination
policies**



**Served as Former
Assistant Minority
Leader and
Currently sits as
Ranking Member
on Federal and
State Affairs
Committee**



**Created and Co-
Chaired Mental
Health Taskforce in
legislature**



**Authored Adrian's
Act**



**Currently Serves as the
Immigration Task Force
Chairman for National
Hispanic Caucus of State
Legislators (NHCSL)**



**The mission of Bethel
Neighborhood Center is to
empower individuals to achieve a
renewed sense of hope, wellness,
and self-sufficiency.**

catholic charities

OF NORTHEAST KANSAS

- **Our Purpose**

To animate the Gospel of Jesus Christ by putting love into action

- **Our Mission**

We serve our neighbors, of all faiths, through Help, Hope and Hospitality.

- **Our Culture**

Catholic Charities is Inspired by Love, Rooted in Faith and United in Service.



Rebuilding our Neighborhoods

Mission

Community Housing of Wyandotte County's (CHWC) mission is to invest in the power of our neighbors to build communities that thrive for generations.

Vision

CHWC's vision is an abundant, inclusive and welcoming community where every person can feel at home in a neighborhood they love.



El Centro



SU CONEXIÓN A LA COMUNIDAD

- **Mission**

The mission of El Centro, Inc., a not-for-profit corporation, is “strengthening communities and improving lives of Latinos and others through educational, social, and economic opportunities.”

- **Vision**

Building an educated, healthy, financially empowered and engaged Latino community.



Mission:

Friends of Yates strives to continuously provide services and a sense of identity to children, youth, adults and senior citizens that facilitates safe and productive lives.



Our Mission is simple:

To give glory to God and to promote human dignity. Through the tireless efforts of our staff, volunteers, and corporate partners, we feed, clothe, house and provide fellowship to those in need in our community and around the world



Mission:

The Jerry Lee Jarrett Life Center works to eliminate hunger and improve the health and wellbeing of the people of Bonner Springs and surrounding communities by access to healthy and nutritious foods, community education and advocacy.



DOING THE MOST GOOD®

Kansas City, Kansas Salvation Army

Mission:

The Salvation Army, an international movement, is an evangelical part of the universal Christian Church. Its message is based on the Bible. Its ministry is motivated by the love of God. Its mission is to preach the gospel of Jesus Christ and to meet human needs in His name without discrimination



K-State Research and Extension Wyandotte County

Our Mission

To provide leadership in education through evidence based, culturally appropriate programs and information that improves the quality of life for all citizens.



Mission:

To improve the Quality of Life for Residents of Northeast Wyandotte County Through Community Revitalization and Economic Development

An organization that cares about community Envisioning safe revitalized neighborhoods with quality affordable housing and compassionate social services.

OAK RIDGE

Youth Development School

- **Mission**

Our mission is to prevent the academic summer slide of youth and to provide year-round tutoring for academic success. Through various partnerships, we provide a physically, socially, emotionally, and academically safe environment

- **Vision**

We nurture, mentor and empower youth to become critical thinkers and capable leaders in a global society.



Vaughn-Trent

Community Services, Inc.

The purpose of Vaughn-Trent Community Services, Inc. is to assist people with basic needs within USD #204 (Bonner Springs/Edwardsville school district).

Vernon Multipurpose Center

Mission:

Our mission is to function as an outreach facility, serving citizens in the northeast are of Wyandotte County, Kansas City, Kansas. The enter attempts to enhance the general physical well being of the community it serve

Wyandotte Countians Against Crime (WCAC)

Mission:

The mission of WCAC is to promote safe, drug and crime free neighborhoods. We strive to provide opportunities to enhance life skills of our youth and those in our community.

A blue geometric graphic consisting of a large right-angled triangle and a smaller rectangle, positioned in the bottom right corner of the slide.



Mission:

**Bringing youth into a
growing relationship
with Jesus Christ**



Congratulations to our
Dotte Proud Recipients!!





Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	LaVert Murray, Economic Development Advisor lmurray@wycokck.org x5010	Mayor's Office
AGENDA ITEM #VI.3.		
RECOGNITION: CHESTER AND LILLIE OWENS/STRUGGLERS' HILL ROOTS NEIGHBORHOOD CELEBRATION (ADDED PER AGENDA UPDATE)		
BACKGROUND		
Recognition of the celebration held July 19 and 20, 2024 renaming the Chester and Lillie Owens Street and neighborhood celebration.		
<i>For Information Only.</i>		
RECOMMENDATION		
For information only		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		

Approved by Mayor and/or Chair and Administrator to add to agenda.



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	LaVert Murray, Economic Development Advisor lmurray@wycokck.org x5010	Mayor's Office
AGENDA ITEM #VI.4.		
RECOGNITION: COLUMBIAN AMERICAN/NATIONAL HISPANIC CHAMBER OF COMMERCE ANNUAL FESTIVAL (ADDED PER AGENDA UPDATE)		
BACKGROUND		
Recognition of the Columbian American/National Chamber of Commerce Annual Festival held July 20, 2024, in Kansas City, Kansas.		
<i>For Information Only</i>		
RECOMMENDATION		
For information only		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		

Approved by Mayor and/or Chair and Administrator to add to agenda.



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: July 25, 2024

Re: Change of Zone Petition COZ2023-035 and Special Use Petition SP2023-117

GENERAL INFORMATION

Applicant:

Ryan Denk

Status of Applicant:

Representative

McAnany, Van Cleave & Phillips, P.A

10 East Cambridge Circle Drive,
Suite 300

Kansas City, Kansas 66103

Requested Action:

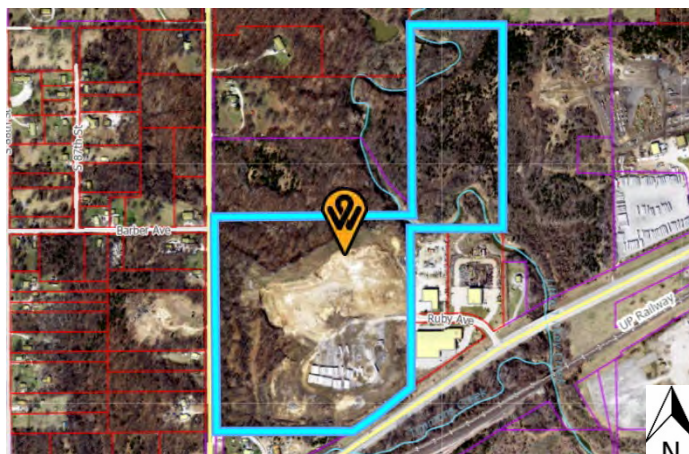
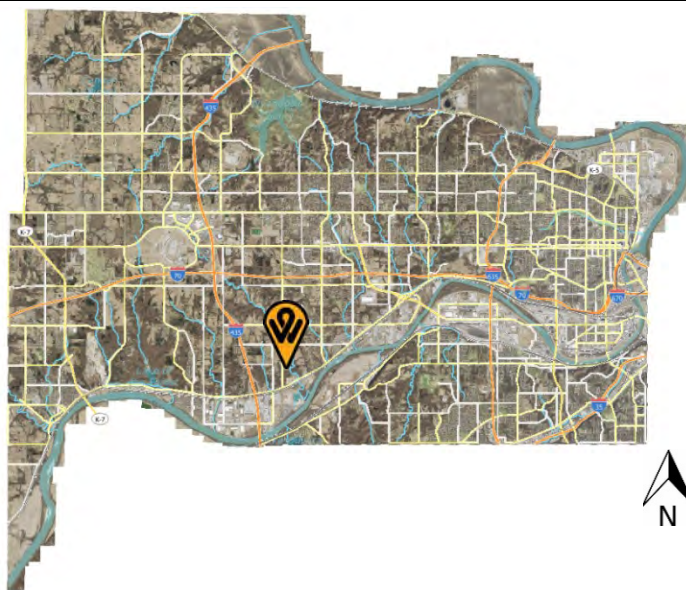
Renewal of a Special Use Permit
(SP-2019-20, which expires
03/28/2024) and Approval of a
Change of Zone

Date of Application:

August 26, 2022

Purpose:

To renew a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill from the property and approve a Change of Zone from MP-1 to MP-2 to utilize the property as a laydown yard.



Property Location:	1625 South 86 th Street Kansas City, Kansas 66111
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Phillip Lopez
Existing Zoning:	A-G Agriculture and MP-1 Planned Light Industrial and Industrial Park Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and MP-3 Planned Heavy Industrial Districts East: A-G Agriculture and MP-2 Planned General Industrial Districts West: A-G Agriculture and R-1 Single Family Districts
Adjacent Uses:	North: Agricultural Land South: Concrete Processing Plant and Agricultural Land East: Industrial Warehouses and Agricultural Land West: Agricultural Land and Single Family Residences
Total Tract Size:	57.59 Acres (Total) Approximately 25 acres (included in proposal)
Comprehensive Plan Area:	PlanKCK Comprehensive Plan
Comprehensive Plan Designation:	PlanKCK designates the subject property as Industrial, which allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage.
Major Street Plan:	The goDotte Mobility Plan designates South 86 th Street as a Major Arterial and Ruby Avenue as a Local Street.
Parking Requirement:	Section 27-470(f) states “In no case, however, shall less than one space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and

50,000 square feet”. It is unclear how many spaces the proposed laydown yard will provide.

Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024, January 31, 2024 and February 29, 2024 and April 13, 2024
Public Hearings:	April 8, 2024, May 13, 2024, July 8, 2024 and July 25, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ryan Denk, representing West Hills Industrial Park, is requesting a renewal of a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill on the subject property, as well as a Change of Zone from MP-1 Planned Light Industrial District to MP-2 Planned General Industrial District to operate a laydown yard at 1625 South 86th Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Muncie-Stony Point Statistical Neighborhood. The character of the neighborhood is a mixture of agricultural, rural residential and light industrial uses along the north side of K-32 Highway (Kaw Drive) between the Grinter Heights subdivision at South 80th Street on the east and I-435 on the west as well as the heavy industrial uses along 88th and

Woodend Avenue industrial area lies to the south, across K-32 Highway and the Union Pacific Railroad main line.

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

The zoning and uses of properties nearby are set out above. The property is already industrially zoned; however, operation of a laydown yard requires a Change of Zone to at least MP-2 Planned General Industrial District to accommodate the use. The proposed use as a laydown yard would be compatible with the nearby industrial uses, but incompatible with nearby residential and agricultural uses. Additionally, the proposal to remove a previously established landscape and screening buffer is incompatible with nearby residential and agricultural uses.

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

The removal of the restrictions may negatively impact the neighbors. The screening requirements set by previous Special Use Permits, which include fencing and landscaping may offset these impacts, however, the applicant is requesting to remove dirt and portions of the previously established buffer, which will exacerbate issues such as noise, dust and other visual impacts.

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

The site has operated as an earthen removal site over the past 20 years.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. The use is convenient for the owner as they can further modify the site and utilize it in the future either for their own use or to sell it to another private owner for their use. The expansion of the grading and dirt removal operation and expanding the types of industrial uses on the property may injure adjacent properties with noise and visual impacts, especially if more of the pre-existing buffer is removed.

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

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because Ruby Avenue is a relatively low trafficked street with three (3)

businesses on them adjacent to Kaw Drive. The property has significant frontage on South 86th Street, however, there are no access points from South 86th Street.

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

Special Use Permits are not addressed in the Comprehensive Plan. PlanKCK designates the subject property as Industrial, which allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. Use of the property for continued grading and dirt removal or as a laydown yard would conform to the Comprehensive Plan.

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

The proposed use to continue to remove dirt and grade the property as well as use as a laydown yard have the potential to significantly impact the environment. Altering the slopes and removing additional landscaping may result in increased erosion due to altered stormwater run-off patterns.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District #221.

e. *Fire*

Fire service is provided by Station #20, located at 78th & Kansas Avenue.

f. *Transit*

No transit service is provided to the subject property.

g. Schools

Public Education is provided by Edwardsville Elementary School, Robert E. Clark Middle School and Bonner Springs High School.

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

The economic impact of the proposed use on the community is minimal, however, if approved, the City will receive additional property tax revenue because of the improvements made to the property.

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

If revised, the proposed use is capable of meeting applicable ordinance and other requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they are currently proposing. There must be a balance between the adjacent and nearby residential property owners' quality of life is protected and a business that is wanting to relocate.

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

The proposed use of the site for grading will inherently create issues with noise, vibration and dust through the moving of dirt and heavy equipment on site. Illumination may also become an issue if enough of the existing and previously approved buffer is removed.

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

The proposed use for grading and earthen removal may create issues with air quality through dust particles and issues with water run-off, however, if managed properly, this should not be a major issue.

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

The property has been significantly altered in the 20+ years since the initial application to remove dirt and develop the site for industrial uses; Many of the property's natural features have already been significantly altered or removed

entirely. The northeast corner of the property, however, has been left undisturbed. This portion of the property includes a creek (Little Turkey Creek). As long as the previously approved or an amended buffer is maintained and no activity occurs within this northeastern quadrant, the proposed use for grading and removal should not destroy or damage what natural resources are left on the property.

16. The applicant's ability to maintain the use in an "as proposed" condition.

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

The proposed use is occurring on a property that is approximately 25 acres; Overcrowding of land or undue concentrations of population are not expected to be issues.

PREVIOUS ACTIONS

- Approval of a Change of Zone (COZ 2602) from A-G to A-G and MP-1 for industrial development in 2000.
- Approval of a Special Use Permit (SP-2000-47) for grading and dirt removal in 2000 for three (3) years.
- Approval of a Special Use Permit (SP-2004-10) for grading and dirt removal in 2004 for 18 months.
- Approval of a Special Use Permit (SP-2007-37) for grading and dirt removal in 2007 for three (3) years.
- Approval of a Special Use Permit (SP-2011-4) for grading and dirt removal in 2011 for three (3) years.
- Approval of a Special Use Permit (SP-2013-52) for grading and dirt removal in 2013 for five (5) years.
- Approval of a Special Use Permit (SP-2019-20) for grading and dirt removal in 2019 for five (5) years.
- Approval of a Special Use Permit (SP-2019-27) for an asphalt plant for a KDOT Mill and Overlay of K-32 in 2019 for three (3) months.
- Approval of a Change of Zone (COZ2021-018) from MP-1 and A-G to MP-3 for a permanent asphalt plant in 2021.
- Approval of a Master Plan Amendment (MPL2021-006) from Business Park to Industrial in the City-Wide Comprehensive Plan (2008) in 2021.
- Approval of a Change of Zone (COZ2021-052) to alter stipulations of Change of Zone COZ2021-018 in 2022.
- Approval of a Final Development Plan (PR2022-051) for a permanent asphalt plant in 2023.

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

A-G Agriculture District zoned Portion of Property
Bettis Asphalt Progress
District to Rezone To
Expansion into Established Buffer
Floodplain
Length of Time for On-Site Grading
Plans for Laydown Yard

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-035** and Special Use Permit Application **SP2023-117 (for five (5) years)**, subject to:

1. This Change of Zone will include the aforementioned area in the Northeast quadrant in Staff Comments and Suggestions, which will revert from MP-2 Planned General Industrial District to A-G Agriculture District;
2. This Change of Zone amends the A-G Agriculture District zoning buffer along the northern and western edge of the property down to 200 feet. Outside of grading necessary to bring the boundary to a 3:1 slope, no activity shall occur within this 200-foot buffer, which shall be preserved as an open space buffer;
3. The applicant shall file for both a Final Development Plan for the future laydown yard as well as a Plat to Plat the subject property.
 - a. When a Plat is filed, the remaining 200-foot buffer zoned A-G Agriculture District along the northern and western portion of the property shall be platted as an open space tract;
4. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines;
5. No additional grading shall occur in any area zoned within 100 feet of the northern and western property line(s);
6. The grade shall be brought to a 3:1 slope;
7. The northeast quadrant of the property shall remain zoned A-G Agriculture District and shall be preserved from any on-site grading without a corresponding project;
8. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines once grading has been completed;
9. 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;
10. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
- a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
11. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
- a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that all proposed are consistent with the need to minimize flood damage.:
 - g. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - i. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data;

12. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
 - a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
14. 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. 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;
16. 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;
17. 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;
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
19. 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;
20. 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;
21. 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;
 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 24. 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;
 25. 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,
26. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-035 and SP2023-117** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 8, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Existing Conditions
Site Plan
Landscape Plan
Grading Plan
Erosion Control Plans
Sections
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated January 17, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	July 8, 2024 - Approval	July 25, 2024
COZ/Special Use	(Referred back by BOC) May 13, 2024 April 8, 2024 (Held Over)	May 30, 2024 April 25, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-035** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-035**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-117** 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 **SP2023-117**, 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 mentioned.

July 8, 2024, City Planning Commission Minutes:

Hearing starts at 38:36:

CHANGE OF ZONE APPLICATION COZ2023-035 – RYAN DENK - SYNOPSIS:

Change of Zone from MP-1 Planned Light Industrial and Industrial Park District to MP-2 Planned General Industrial District to construct a lay down yard at 1625 South 86th Street.

SPECIAL USE PERMIT APPLICATION SP2023-117 – STEVE SHORT WITH WESTHILLS INDUSTRIAL PARK – SYNOPSIS:

Renewal of a Special Use Permit (SP-2019-20 – expired 3/28/2024) to continue on-site grading and dirt removal at 1625 South 86th Street.

Detailed Outline of Requested Action: The applicant, Ryan Denk, representing West Hills Industrial Park, is requesting a renewal of a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill on the subject property, as well as a Change of Zone from MP-1 Planned Light Industrial District to MP-2 Planned General Industrial District to operate a laydown yard at 1625 South 86th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 8, 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:

- Steve Short, applicant, 6520 Northwest Fairway Drive, Kansas City, Missouri 64152
- Spencer A. Low, McAnany, Van Cleave and Phillips, representing Ryan Denk

Present in Opposition:

- No one appeared

Staff Recommendation starts at 43:25: Planner Molloy stated that the request is for a Change of Zone and renewal of a Special Use Permit for a lay-down yard and grading. This would be the eighth approval and seventh renewal. Mr. Molloy stated that Staff and the Applicant worked together to define the buffer and where it would be located. There are two (2) buffers; one 100' from the property line and after the project is

completed there will be a 200' open space buffer. Staff has asked the Applicant to submit a plat for the open space buffer and change the zoning from A-G Agriculture District to MP-2 Planned General Industrial District. Staff recommends approval of both applications subject to the conditions in the staff report. Approval for the Special Use Permit would be for five (5) years.

Motion starts at 45:10:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-035:**

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

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

Subject to:

1. This Change of Zone will include the aforementioned area in the Northeast quadrant in Staff Comments and Suggestions, which will revert from MP-2 Planned General Industrial District to A-G Agriculture District;
2. This Change of Zone amends the A-G Agriculture District zoning buffer along the northern and western edge of the property down to 200 feet. Outside of grading necessary to bring the boundary to a 3:1 slope, no activity shall occur within this 200-foot buffer, which shall be preserved as an open space buffer;
3. The applicant shall file for both a Final Development Plan for the future laydown yard as well as a Plat to Plat the subject property.
 - a. When a Plat is filed, the remaining 200-foot buffer zoned A-G Agriculture District along the northern and western portion of the property shall be platted as an open space tract;
4. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines;
5. No additional grading shall occur in any area zoned within 100 feet of the northern and western property line(s);
6. The grade shall be brought to a 3:1 slope;
7. The northeast quadrant of the property shall remain zoned A-G Agriculture District and shall be preserved from any on-site grading without a corresponding project;
8. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines once grading has been completed;

- 9. 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;**
- 10. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:**
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;**
- 11. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:**
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;**
 - b. Construction with materials resistant to flood damage;**
 - c. Utilization of methods and practices that minimize flood damages;**
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;**
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,**
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that all proposed are consistent with the need to minimize flood damage.:**
 - g. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;**
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;**
 - i. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data;**

12. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
 - a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
14. 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. 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;
16. 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;
17. 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;
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
19. 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;
20. 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;
21. 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;
 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 24. 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;
 25. 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,
26. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-117 for five (5) years:**

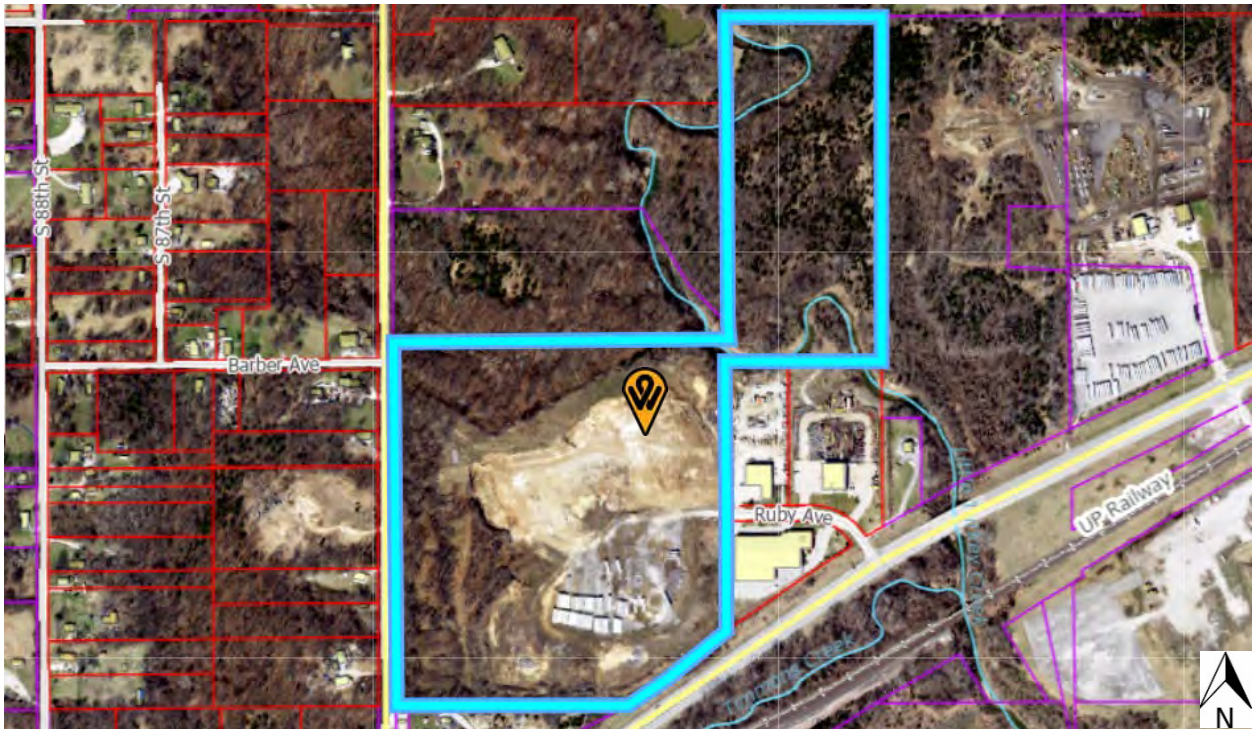
Carson	Chairman
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Not Present
Miller	Not Present
Mohler	Aye
Schwartz	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 8 to 0

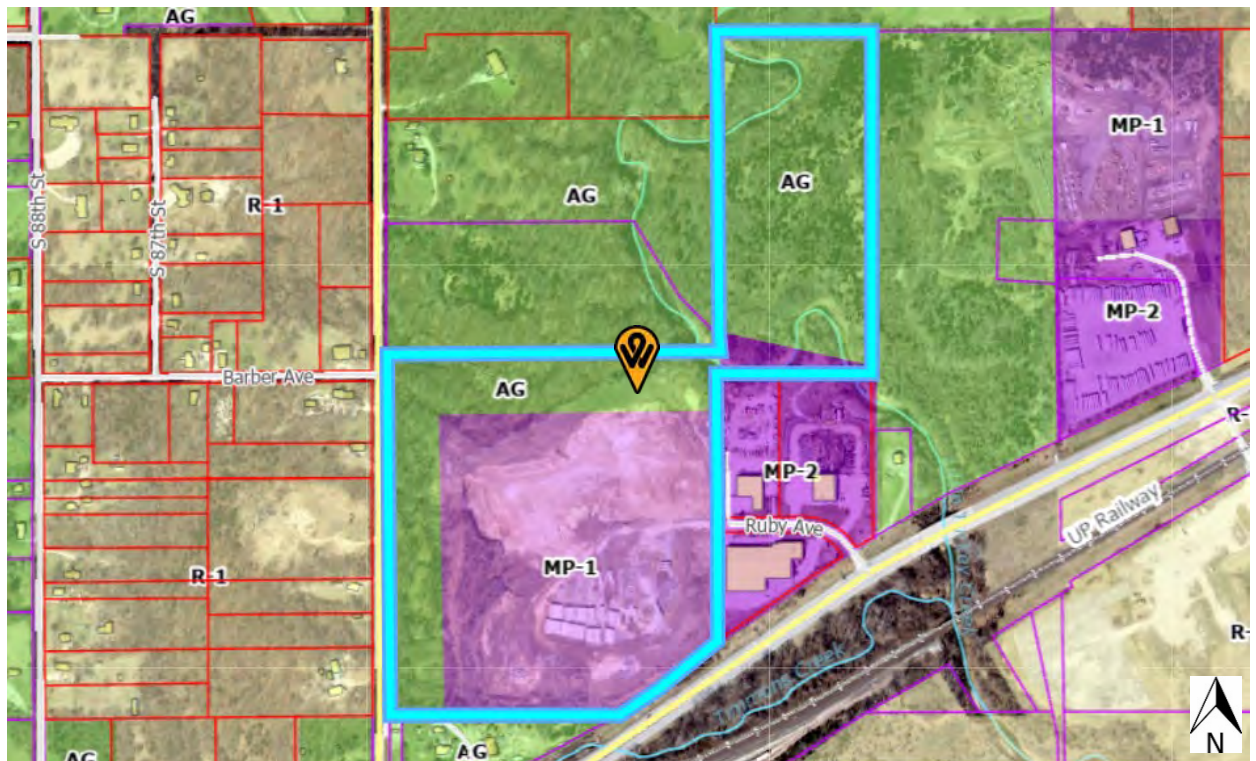
Subject to the above conditions.

ATTACHMENTS

AERIAL IMAGERY

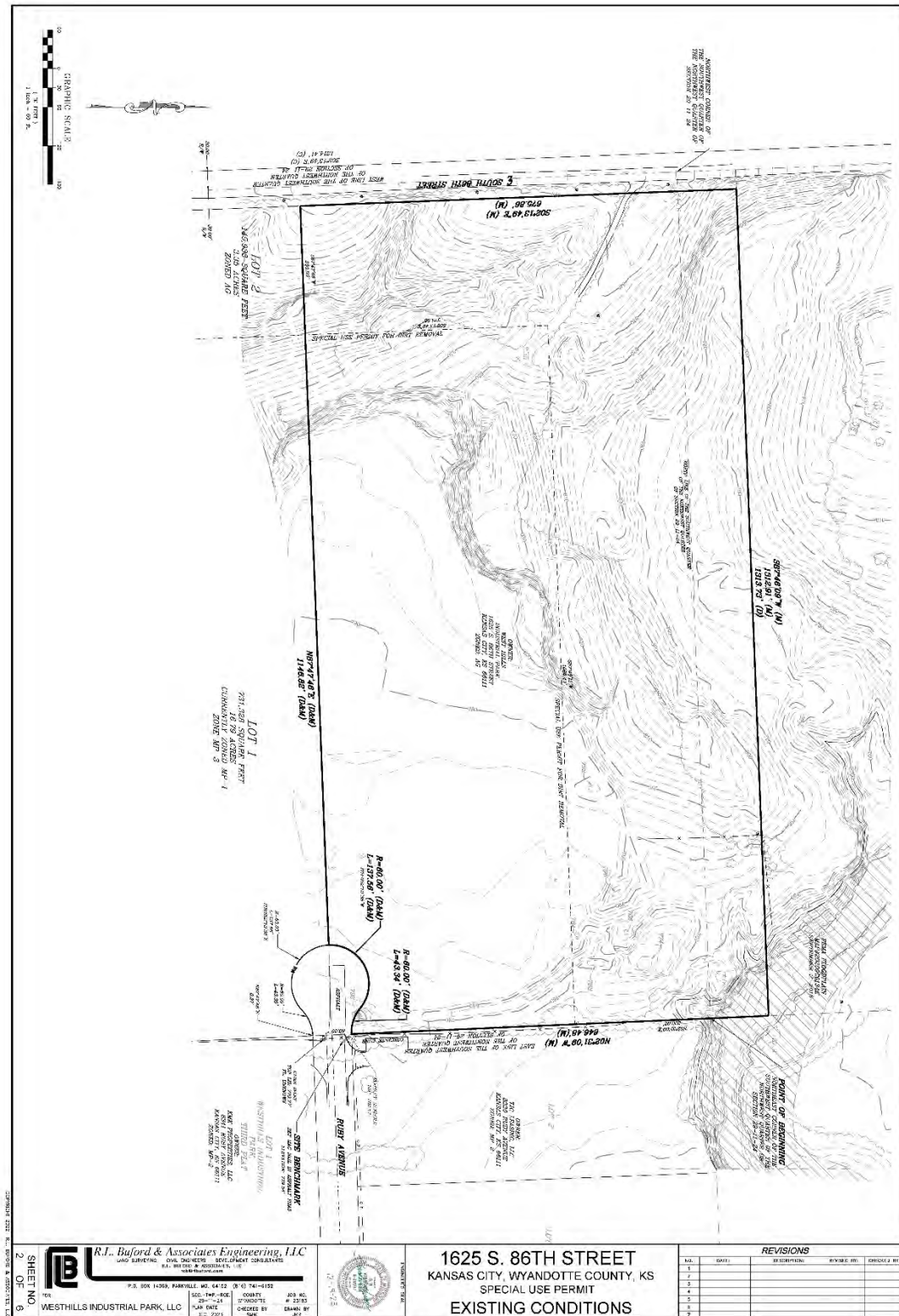


ZONING MAP



LAND USE MAP





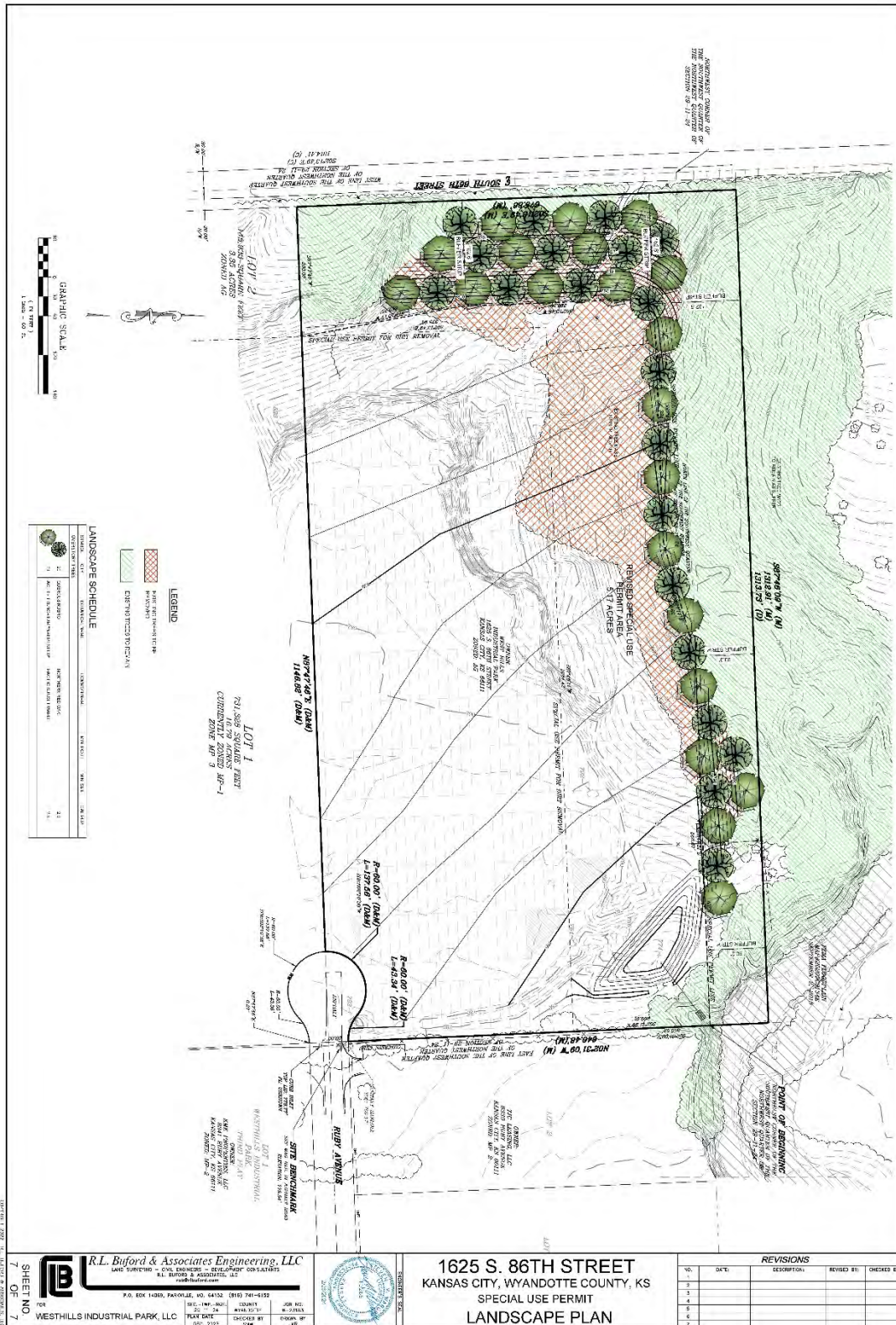
COZ2023-035 and SP2023-117

July 25, 2024

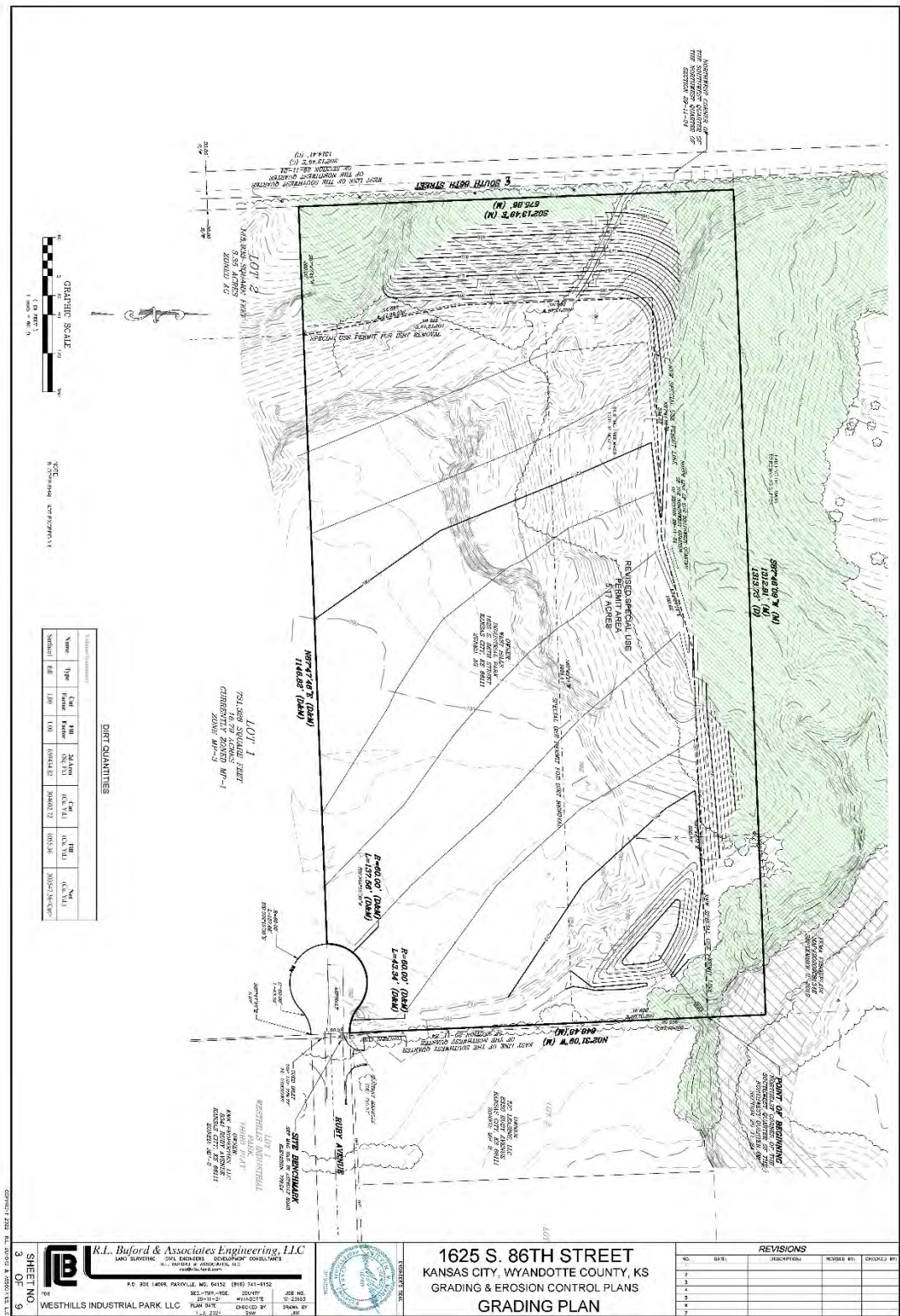
23



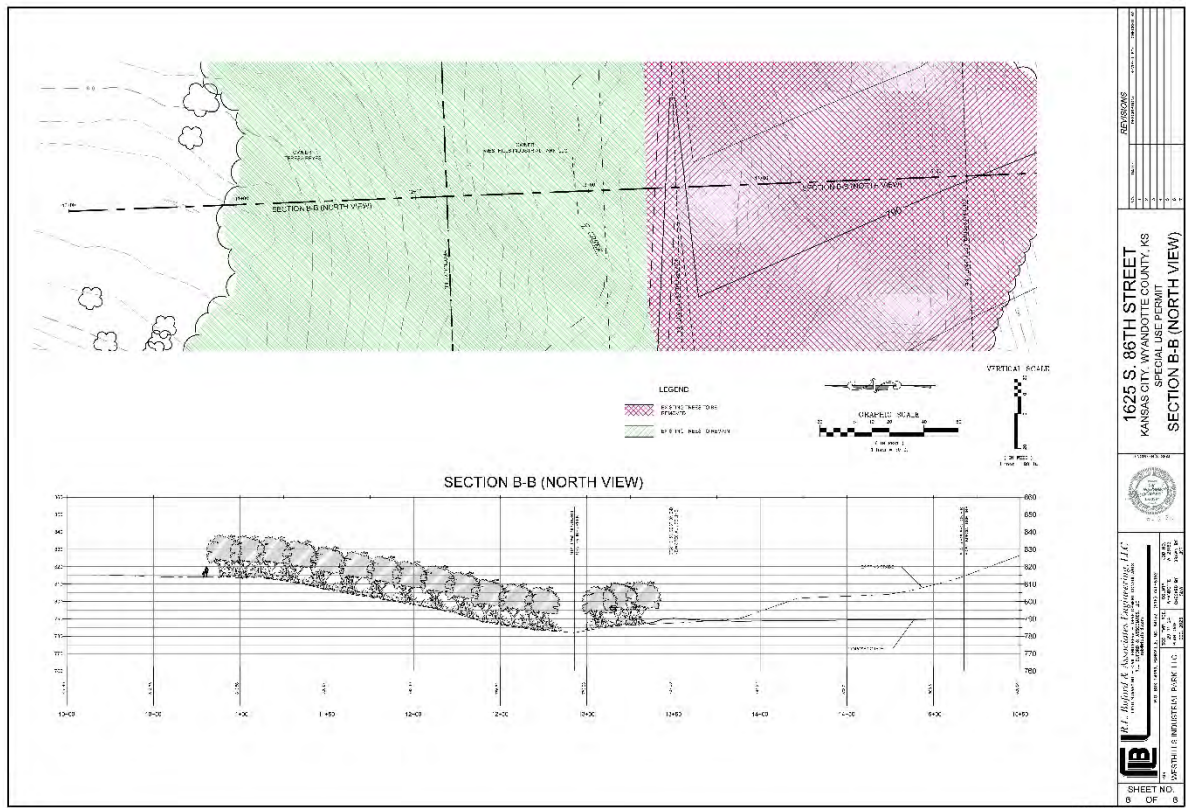
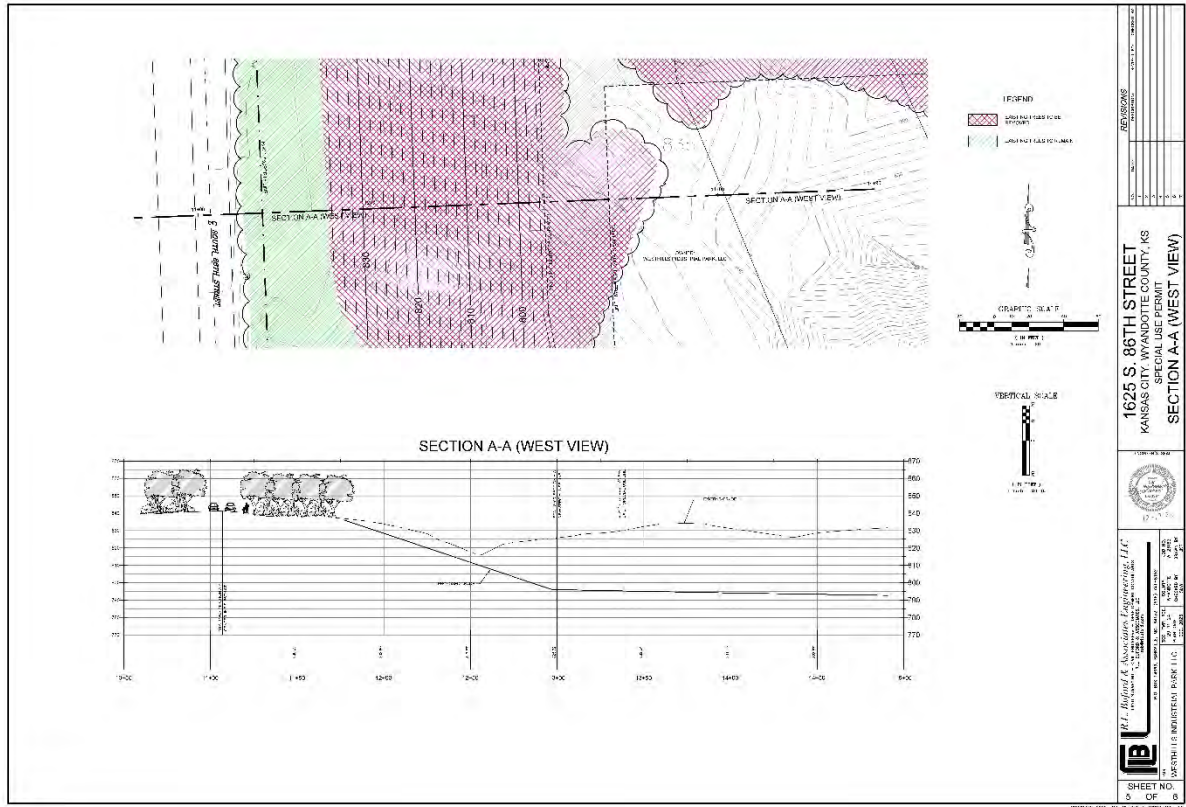
LANDSCAPE PLAN



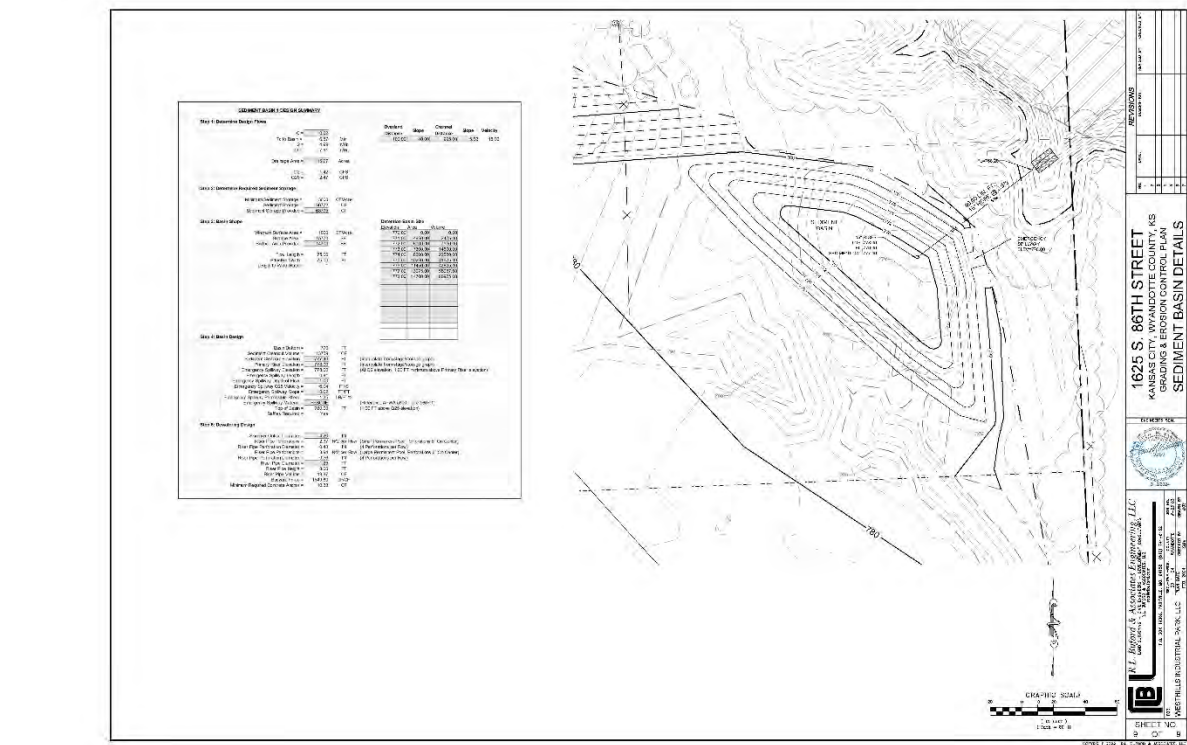
GRADING PLAN



SECTIONS



SEDIMENT BASIN DETAILS



MINUTES OF NEIGHBORHOOD MEETING

Special Use Petition #SP2023-117 and
Change of Zone Petition COZ2023-035
Meeting Held: January 29, 2024, by videoconference

Meeting called to order at 5:30 p.m.

Attendees:

- Steve Short, Applicant
- Ryan Denk, Counsel for Applicant

The meeting was properly noticed and scheduled for January 29, 2024 at 5:30 p.m. via Teams. No neighbors attended the meeting. As no one else appeared, the neighborhood meeting was adjourned at approximately 5:45 p.m.

Minutes prepared by:

/s/ Ryan B. Denk
Ryan B. Denk

9311529.DOC

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now Steve Short, of lawful age, sound mind and upon his oath states as follows:

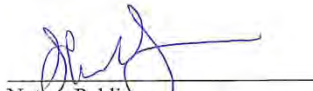
1. That I am the Petitioner for Special Use Petition #SP2023-117 and Change of Zone Petition COZ2023-035.
2. That I conducted a neighborhood meeting on January 29, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant – Steve Short

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19TH day of March, 2024.

My commission expires 04TH of APRIL, 2027.


Notary Public



93J1576.DOC















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: July 25, 2024

Re: Change of Zone Petition COZ2024-018

GENERAL INFORMATION

Applicant Information:

Cesar Gonzalez
Owner
GPY Holdco
4110 North 55th Street
Kansas City, KS 66104

Subject Property:

4110 North 55th Street
Kansas City, KS 66104

Requested Action and Purpose:

Approval of Change of Zone from R-1
Single Family District to A-G
Agriculture District.

Commission Districts:

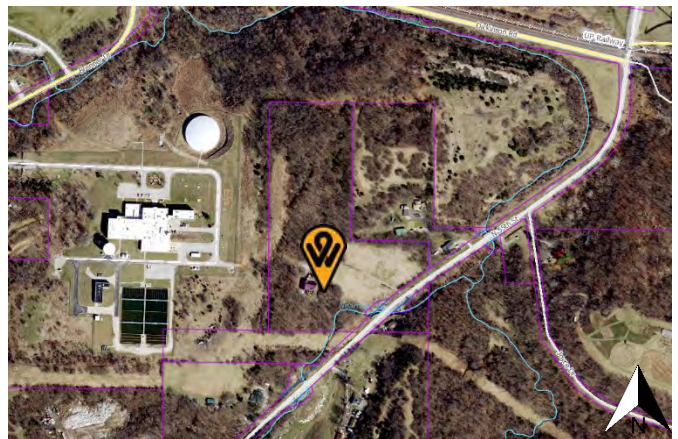
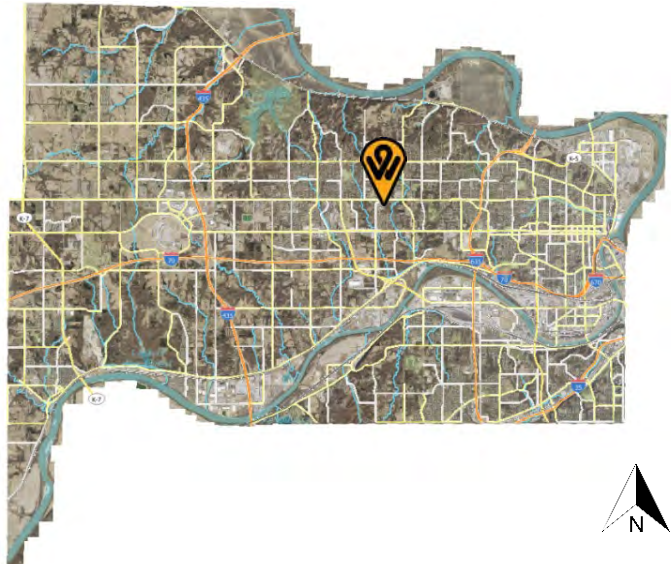
Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend

Existing Zoning District(s):

R-1 Single-Family District

Proposed Zoning District(s):

A-G Agriculture District



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	BPU Nearman Water Treatment Plant
South	R-1 Single Family District	Vacant lot
East	A-G Agriculture District	Single-Family Residence
West	R-1 Single Family District	BPU Nearman Water Treatment Plant

Total Tract Size: 13 Acres

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Rural-Density Residential which allows for large lot, single-family residential, but without agricultural uses. Residential development of these parcels should work with the natural terrain of the site to be functionally compatible with their rural setting and maximize open space and the preservation of wildlands.

Major Street Plan: The goDotte Strategic Mobility Plan designates North 55th Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-452 (e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling”. The subject property provides at least two (2) off-street parking spaces.

Landscaping Requirement: Section 27-700 (a) states “one shade tree per dwelling unit is required in the front or corner side yard, and one tree per 7,000 square feet of site area for uses other than residences”. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – June 13, 2024
Letters to Property Owners – June 14, 2024

Public Hearings: July 8, 2024 and July 25, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Cesar Gonzalez, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District to accommodate farm animals and to build accessory structures to store equipment to maintain the land at 4110 North 55th Street, Kansas City, Kansas 66104.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. There are no notices of violation on the subject property.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is located in the Nearman Hills Statistical Neighborhood and in the North Welborn Neighborhood Group. The surrounding neighborhood consists of single-family residences and agricultural properties. The subject property is directly east of the Nearman Water Treatment Plant. To the south, Leavenworth Road is a Minor Arterial Road with commercial uses. Large lot single-family homes with agricultural uses – livestock align north 55th Street.

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 by parcels zoned in the A-G Agriculture District and the R-1 Single Family District.

The character and uses of the surrounding parcels are compatible with this proposed change.

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

The subject property is suitable to be used for a private residence with agricultural uses on it. The removal of the restrictions will not detrimentally affect the nearby properties as the majority of the properties surrounding the parcel are large lot single-family residential or agricultural lots.

4. *The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.*

The property is not vacant. The property currently has a single-family residence.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as it serves only the property owner. It is not expected that a Change of Zone to agricultural will negatively impact the use, quality or marketability of nearby property.

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

While the use of the property is changing to be more agricultural in nature, it would not increase the traffic or parking demand in ways that would adversely affect the Local/Neighborhood Street, safety, or create parking problems.

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

The PlanKCK Comprehensive Plan designates this property as Rural-Density Residential, which allows for large lot, single-family residential. Residential development of these parcels should work with the natural terrain of the site to be functionally compatible with their rural setting and maximize open space and the preservation of wildlands.

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

The proposed use has the potential to cause environmental harm due to contaminated run-off. However, if the proposed use adheres to the conditions and recommendations provided by the Wyandotte County Conservation District this is not expected to be an issue.

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

a. *Electric and Water Service*

BPU provides water service.

b. *Sanitary Sewer Service*

This property is not currently served by the sanitary sewer service.

c. *Storm Water Control*

The property is served by one (1) stormwater culvert.

d. *Police*

Police service is provided by West Patrol, District #223.

e. *Fire*

Fire service is provided by Station #18, which is 1.5 miles away from the subject property.

f. *Transit*

Public Transit is provided by Route 113 Leavenworth Road, with a stop at Leavenworth Road and North 72nd Street, and Route 116 West Parallel Road, with a stop at Parallel Road and North 59th Street.

g. *Schools*

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

h. Streets

See item #6 above.

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

The economic impact of the proposed use will be minimal as it is for the private use of the property owner.

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

The current and proposed use is capable of meeting the applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare is minimal. If denied, the applicant would not be able to keep animals on the property or have a secondary accessory structure.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 625 Minnesota Avenue, Kansas City, Kansas 66101 on June 24, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Change of Zone
Future Uses
Conservation of Resources

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2024-018, subject to:

- 1. Comply with comments and recommendations made by the Wyandotte County Conservation District;**
- 2. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive**

operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

3. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All 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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. 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; 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **COZ2024-018** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 8, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Wyandotte County Conservation District Letter
Residential Site Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated June 7, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	July 8, 2024 - Approval	July 25, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-018** 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 **COZ2024-018**, 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.

July 8, 2024, City Planning Commission Minutes:

Hearing starts at 47:20:

CHANGE OF ZONE APPLICATION COZ2024-018 – CESAR GONZALEZ –

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep animals on the property with multiple accessory structures at 4110 North 55th Street. Detailed Outline of Requested Action: The applicant, Cesar Gonzalez, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District to accommodate farm animals and to build accessory structures to store equipment to maintain the land at 4110 North 55th Street, Kansas City, Kansas 66104.

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 July 8, 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:

- Applicant was not present
- Herbert Fields

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 49:43: Planner Toy stated that that the Applicant is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for goats and up to 10 chickens. The property is located in the northwest part of the county and backs up to the BPU water treatment plant. Applicant has a total of 13 acres. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 50:43:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-018:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

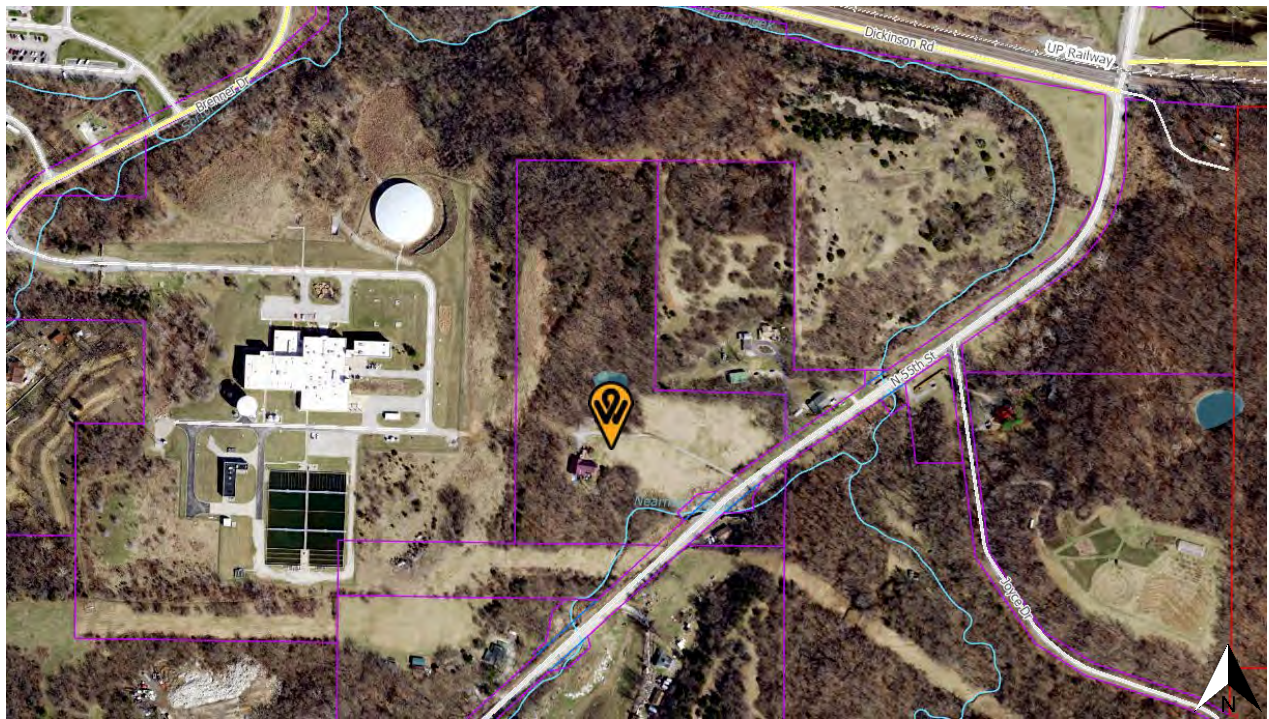
- 1. Comply with comments and recommendations made by the Wyandotte County Conservation District;**
- 2. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 3. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and**

preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;

4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All 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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. 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; 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.

AERIAL IMAGERY



LAND USE MAP





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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Patrick Doyle, Engineering Manager

DATE: June 5, 2024

SUBJECT: Cesar Gonzalez – (COZ2024-018)
4110 North 55th Street
General Engineering Review No. 1 (of the plans sealed 5/23/2024, received 5/25/2024)

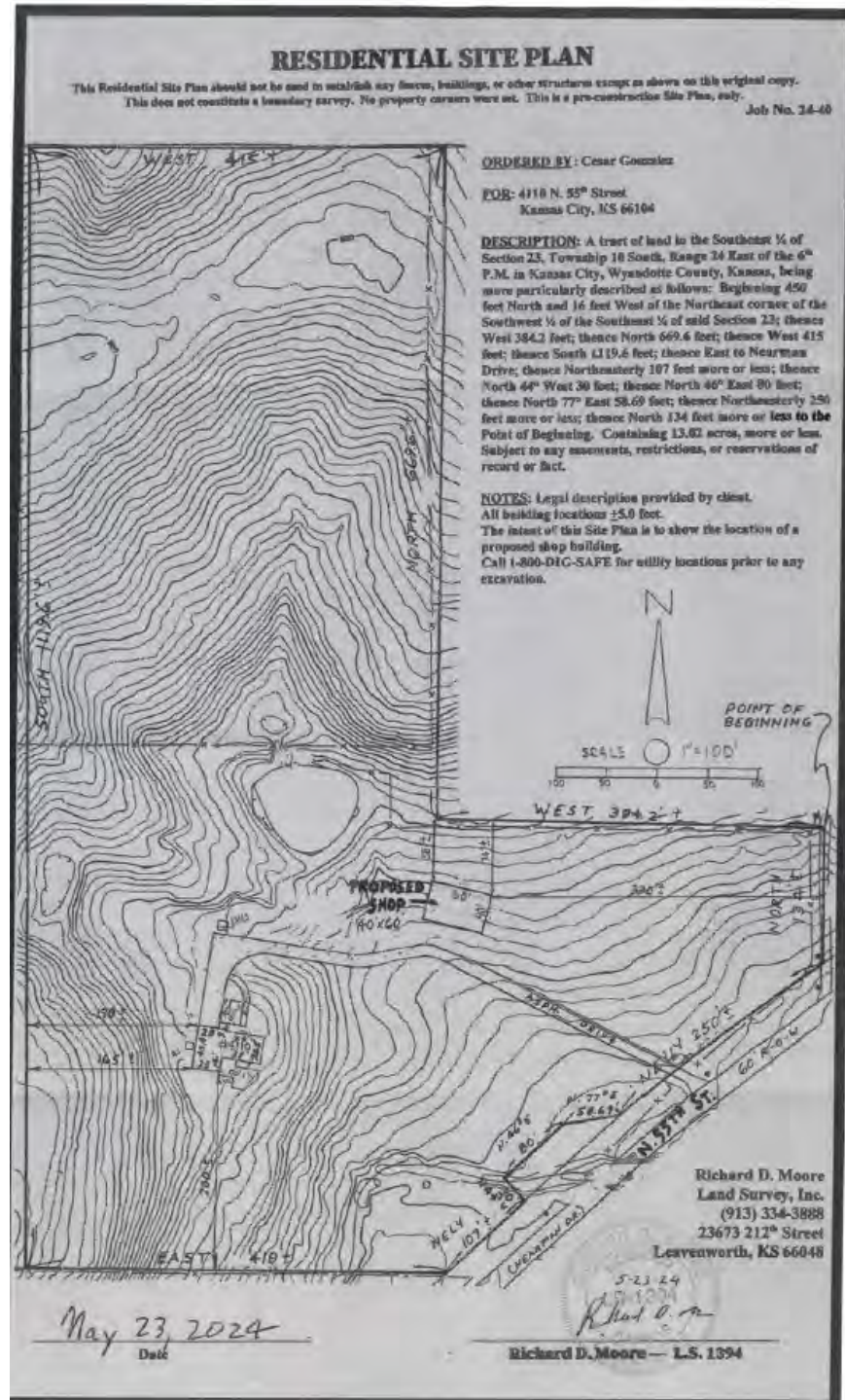
Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Respond in writing (pdf) to each comment by email to EDR@WyCoKCK.org. Attach revision clouded drawings when applicable. Include application number in the subject line of all correspondence.**

- 1) Provide a site plan showing septic system with distance to property lines and Nearman Creek.

Reviewer: _____

Patrick Doyle, Engineering Manager

SITE PLAN



WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER

May 22, 2024



Cesar Gonzalez
4110 N. 55th Street
Kansas City, KS

RE: Site visit by NRCS and the Wyandotte County Conservation District for a conservation plan to have livestock, pasture management, chickens, native plant buffers and bees.

The overall condition of the property is going to require a large amount of brush management and timber clearing to be redeveloped into usable pastures. There is no place for horses or cattle. It will take a minimum of **three-four years** before you have a pasture ready to handle any large livestock. Extra care will be needed because of the steep slopes which cover your property and the highly erodible soils on the hills. There are, however, alternative farming practices you could utilize while reestablishing grass.

Below is a map with two fields drawn for your initial projects we discussed.

Field One:

After fencing the area from the stream, tree line and driveway you could house two goats or a doe and kid pair for milking in this field. You will need to create a shelter for the animals to get out of the weather and provide a water source. You want to keep the minimum 25-foot buffer between the goats and the streamway. The buffer should be maintained and include native grasses to help filter runoff and protect the waterway.

You will need to drill grass seed to keep the ground well covered to prevent erosion. Before planting your seed take a soil sample to the K-State extension office for testing. This will let you know if you need fertilizer or help select the best grasses and forbs to improve your soil health. We can help you select a mix after you get your test results.

Field Two:

Due to the slope and proximity to the stream it would be a good spot to establish native grasses, wildflowers forbs and legumes to encourage pollinators. You will have to work on

the weeds and invasive species in the field because native grasses do not compete with weeds easily. A soil test would be essential to the selection of plant mix for the field. After you receive the results, we can create a pollinator mix based on your soil. This will then become a great spot for your bee boxes.

You could even add berry bushes for a crop to harvest quickly.

Reach out to the Northeast Kansas Beekeepers Association for classes and a mentor to help you get safely established. Their email address is www.nekba.org.

Chickens:

Currently you do not have a good space to establish a chicken coop. After you clear more area around the house site where we discussed, you could build a coop for about ten chickens. Once you have more space cleared of brush it is especially important to establish good grass cover to prevent erosion and contamination. You will also need to create a composting system for the chicken manure. Due to the slope of your property, keeping waste from entering the streamway is key to maintaining a healthy farm. When you are ready, I can send you plans for composting bin systems.

Farm Registration:

As we discussed, to have program assistance from NRCS available you will need to register your property with the FSA and obtain a farm number. Review the new farmer booklet we provided you during the visit for ways to establish your farm plan and record keeping. If you need further assistance, then the information I already emailed you about registering please contact us. Wyco.conservations@gmail.com

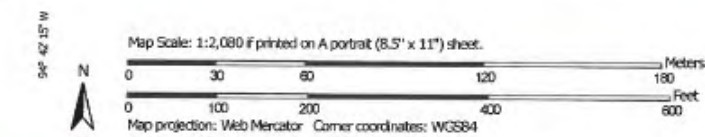
Best Regards

Cheri Miller

District Manager

Wyandotte County Conservation District





USDA
Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

5/16/2024
Page 1 of 3

Map Unit Name—Wyandotte County, Kansas
(4110 n. 55th St)

MAP LEGEND

Area of Interest (AOI)	*: #	Not rated or not available
Area of Interest (AOI)		
Soils		
Soil Rating Polygons		
Kennett silt loam, frequently flooded		Kennett silt loam, frequently flooded
Knox complex, 18 to 30 percent slopes		Knox complex, 18 to 30 percent slopes
Knox silt loam, 12 to 18 percent slopes		Knox silt loam, 12 to 18 percent slopes
Knox silt loam, 12 to 18 percent slopes		Knox silt loam, 7 to 12 percent slopes
Knox silt loam, 7 to 12 percent slopes		Ladoga silt loam, 3 to 8 percent slopes
Ladoga silt loam, 3 to 8 percent slopes		Not rated or not available
Not rated or not available		
Water Features		
Streams and Canals		
Transportation		
Flats		Interstate Highways
US Routes		Major Roads
Local Roads		
Background		Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Wyandotte County, Kansas
Survey Area Date: Version 17, Sep 12, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 30, 2022—Sep 16, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7051	Kennebec silt loam, frequently flooded	Kennebec silt loam, frequently flooded	1.4	10.5%
7285	Ladoga silt loam, 3 to 8 percent slopes	Ladoga silt loam, 3 to 8 percent slopes	3.0	22.5%
7955	Knox silt loam, 7 to 12 percent slopes	Knox silt loam, 7 to 12 percent slopes	2.5	18.3%
7956	Knox silt loam, 12 to 18 percent slopes	Knox silt loam, 12 to 18 percent slopes	2.7	19.9%
7957	Knox complex, 18 to 30 percent slopes	Knox complex, 18 to 30 percent slopes	3.9	28.8%
Totals for Area of Interest			13.5	100.0%

Description

A soil map unit is a collection of soil areas or nonsoil areas (miscellaneous areas) delineated in a soil survey. Each map unit is given a name that uniquely identifies the unit in a particular soil survey area.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

5/16/2024
Page 3 of 3

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

Soil properties are important considerations in areas where soils are used as sites for the treatment and disposal of organic waste and wastewater. Selection of soils with properties that favor waste management can help to prevent environmental damage.

This table shows the degree and kind of soil limitations affecting the treatment of agricultural waste, including municipal and food-processing wastewater and effluent from lagoons or storage ponds. Municipal wastewater is the waste stream from a municipality. It contains domestic waste and may contain industrial waste. It may have received primary or secondary treatment. It is rarely untreated sewage. Food-processing wastewater results from the preparation of fruits, vegetables, milk, cheese, and meats for public consumption. In places it is high in content of sodium and chloride. In the context of this table, the effluent in lagoons and storage ponds is from facilities used to treat or store food-processing wastewater or domestic or animal waste. Domestic and food-processing wastewater is very dilute, and the effluent from the facilities that treat or store it commonly is very low in content of carbonaceous and nitrogenous material; the content of nitrogen commonly ranges from 10 to 30 milligrams per liter. The wastewater from animal waste treatment lagoons or storage ponds, however, has much higher concentrations of these materials, mainly because the manure has not been diluted as much as the domestic waste. The content of nitrogen in this wastewater generally ranges from 50 to 2,000 milligrams per liter. When wastewater is applied, checks should be made to ensure that nitrogen, heavy metals, and salts are not added in excessive amounts.

The ratings in the table are for waste management systems that not only dispose of and treat organic waste or wastewater but also are beneficial to crops. The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect agricultural waste management. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. *Fair* performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the tables indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Application of manure and food-processing waste not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. Manure is the excrement of livestock and poultry, and food-processing waste is damaged fruit and vegetables and the peelings, stems, leaves, pits, and soil particles removed in food preparation. The manure and food-processing waste are solid, slurry, or liquid. Their nitrogen content varies. A high content of nitrogen limits the application rate. Toxic or otherwise dangerous wastes, such as those mixed with the lye used in food processing, are not considered in the ratings.

The ratings are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the waste is applied, and the method by which the waste is applied. The properties that affect absorption include saturated hydraulic conductivity (Ksat), depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, and available water capacity. The properties that affect plant growth and microbial activity include reaction, the sodium adsorption ratio, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of waste. Permanently frozen soils are unsuitable for waste treatment.

Application of sewage sludge not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. In the context of this table, sewage sludge is the residual product of the treatment of municipal sewage. The solid component consists mainly of cell mass, primarily bacteria cells that developed during secondary treatment and have incorporated soluble organics into their own bodies. The sludge has small amounts of sand, silt, and other solid debris. The content of nitrogen varies. Some sludge has constituents that are toxic to plants or hazardous to the food chain, such as heavy metals and exotic organic compounds, and should be analyzed chemically prior to use.

The content of water in the sludge ranges from about 98 percent to less than 40 percent. The sludge is considered liquid if it is more than about 90 percent water, slurry if it is about 50 to 90 percent water, and solid if it is less than about 50 percent water.

The ratings in the table are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the sludge is applied, and the method by which the sludge is applied. The properties that affect absorption, plant growth, and microbial activity include Ksat, depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, available water capacity, reaction, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of sludge. Permanently frozen soils are unsuitable for waste treatment.



Report—Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge—Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7051—Kennebec silt loam, frequently flooded					
Kennebec, frequently flooded	85	Very limited		Very limited	
		Flooding	1.00	Flooding	1.00
		Depth to saturated zone	0.09	Depth to saturated zone	0.09
7285—Ladoga silt loam, 3 to 8 percent slopes					
Ladoga	80	Somewhat limited		Somewhat limited	
		Slow water movement	0.22	Slow water movement	0.30
7955—Knox silt loam, 7 to 12 percent slopes					
Knox	80	Somewhat limited		Somewhat limited	
		Slope	0.16	Slope	0.16
7956—Knox silt loam, 12 to 18 percent slopes					
Knox	90	Very limited		Very limited	
		Slope	1.00	Slope	1.00
7957—Knox complex, 18 to 30 percent slopes					
Knox	65	Very limited		Very limited	
		Slope	1.00	Slope	1.00
Sogn	35	Very limited		Very limited	
		Depth to bedrock	1.00	Slope	1.00
		Slope	1.00	Slow water movement	1.00
		Slow water movement	1.00	Depth to bedrock	1.00
		Droughty	0.98	Droughty	0.98
				Runoff	0.40

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report—Soil Features

Soil Features—Wyandotte County, Kansas										
Map symbol and soil name	Restrictive Layer				Hardness	Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Range		Initial	Total		Uncoated steel	Concrete
7051—Kennebec silt loam, frequently flooded		Low-RV-High				Low-High	Low-High			
		In	In			In	In			
Kennebec, frequently flooded		—	—			—	—	High	High	Low
7285—Ladoga silt loam, 3 to 8 percent slopes										
Ladoga		—	—			0	—	Moderate	Moderate	Moderate
7955—Knox silt loam, 7 to 12 percent slopes										
Knox		—	—			—	—	High	Moderate	Low
7956—Knox silt loam, 12 to 18 percent slopes										
Knox		—	—			—	—	High	Moderate	Low
7957—Knox complex, 18 to 30 percent slopes										
Knox		—	—			—	—	High	Moderate	Low
Sogn	Lithic bedrock	4-16-20	—		Indurated	0	—	Moderate	Moderate	Low

NEIGHBORHOOD MEETING MATERIALS

Neighborhood Meeting Minutes

- Meeting was held at KCK main public library located off of 6th and Minnesota Ave.
- Meeting began at 6:00 PM per scheduled time
- Meeting was attended by
 - Vicky Murphy-4103 Nearman Dr
 - Tom Murphy-4103 Nearman Dr
 - Linda Scheuler-4109 Nearman Dr
 - John Scheuler-4109 Nearman Dr

Prior to meeting a Telephone conversation was held with John fields from 4129 Nearman Dr. on June 14th to discuss change of zone. Everything was cleared with Mr. Fields and he was in favor of our switch.

Meeting information

- GPY HOLDCO informed all the attendees of detailed plans and application process for zoning change.
- Mr. Murphy had concerns if in the future we plan to request a commercial zoning designation, I informed Mr. Murphy that we do not plan to make this type of request in future.
- I informed the attendees of plans to build a barn, they were all in favor.
- Questions were raised on what type of animals I would keep. I informed that we plan on keeping a few goats and a chicken coop and in the future be able to have a few horses on property.
- I explained the process involving a change of zone.
- I provided current photos of property and a provided the copy of the survey that shows future barn structure.
- I asked attendees if there were any other questions.
- At the end of meeting everyone was satisfied with answers and all attendees received a draft of the application along with the conservation plan and detailed drawings.
- Neighbors are in support of zoning change to Agricultural and will be present July 8th.
- Meeting adjourned at 6:30 PM

END

Neighborhood Meeting

Sign in sheet

1	John Schuch	4109 Nearman Dr
2	Jordan M Schuch	4109 Nearman Dr
3	Tom Murphy	4103 NEARMAN
4	Vicki Murphy	4103 Nearman
5		
6		
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12		
13		
14		
15		

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

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

1. That I am the petitioner for Petition # COZ2024-018
2. That I conducted a neighborhood meeting on 6/24/24
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.

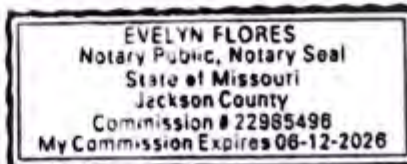
Further affiant saith not.

Cesar Gomez
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of June, 2024

My commission expires 06 of 12, 2026

Evelyn Flores
Notary Public



SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JUNE 7, 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: July 25, 2024

Re: Change of Zone Petition COZ2023-035 and Special Use Petition SP2023-117

GENERAL INFORMATION

Applicant:

Ryan Denk

Status of Applicant:

Representative

McAnany, Van Cleave & Phillips, P.A

10 East Cambridge Circle Drive,
Suite 300

Kansas City, Kansas 66103

Requested Action:

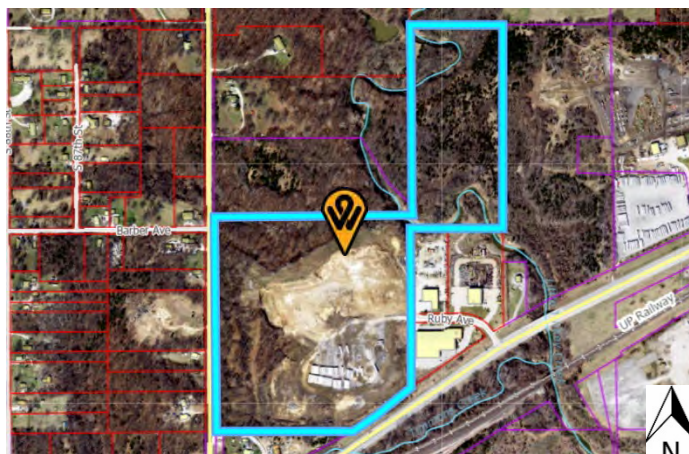
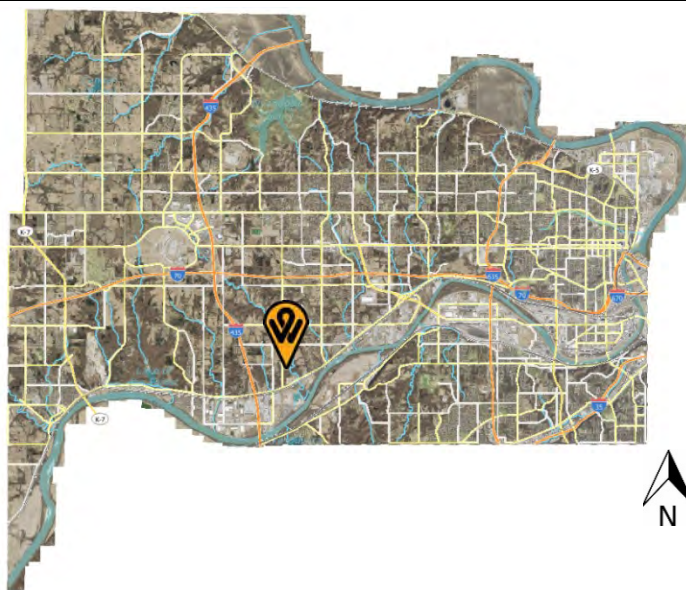
Renewal of a Special Use Permit
(SP-2019-20, which expires
03/28/2024) and Approval of a
Change of Zone

Date of Application:

August 26, 2022

Purpose:

To renew a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill from the property and approve a Change of Zone from MP-1 to MP-2 to utilize the property as a laydown yard.



Property Location:	1625 South 86 th Street Kansas City, Kansas 66111
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Phillip Lopez
Existing Zoning:	A-G Agriculture and MP-1 Planned Light Industrial and Industrial Park Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and MP-3 Planned Heavy Industrial Districts East: A-G Agriculture and MP-2 Planned General Industrial Districts West: A-G Agriculture and R-1 Single Family Districts
Adjacent Uses:	North: Agricultural Land South: Concrete Processing Plant and Agricultural Land East: Industrial Warehouses and Agricultural Land West: Agricultural Land and Single Family Residences
Total Tract Size:	57.59 Acres (Total) Approximately 25 acres (included in proposal)
Comprehensive Plan Area:	PlanKCK Comprehensive Plan
Comprehensive Plan Designation:	PlanKCK designates the subject property as Industrial, which allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage.
Major Street Plan:	The goDotte Mobility Plan designates South 86 th Street as a Major Arterial and Ruby Avenue as a Local Street.
Parking Requirement:	Section 27-470(f) states “In no case, however, shall less than one space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and

50,000 square feet”. It is unclear how many spaces the proposed laydown yard will provide.

Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024, January 31, 2024 and February 29, 2024 and April 13, 2024
Public Hearings:	April 8, 2024, May 13, 2024, July 8, 2024 and July 25, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ryan Denk, representing West Hills Industrial Park, is requesting a renewal of a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill on the subject property, as well as a Change of Zone from MP-1 Planned Light Industrial District to MP-2 Planned General Industrial District to operate a laydown yard at 1625 South 86th Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Muncie-Stony Point Statistical Neighborhood. The character of the neighborhood is a mixture of agricultural, rural residential and light industrial uses along the north side of K-32 Highway (Kaw Drive) between the Grinter Heights subdivision at South 80th Street on the east and I-435 on the west as well as the heavy industrial uses along 88th and

Woodend Avenue industrial area lies to the south, across K-32 Highway and the Union Pacific Railroad main line.

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

The zoning and uses of properties nearby are set out above. The property is already industrially zoned; however, operation of a laydown yard requires a Change of Zone to at least MP-2 Planned General Industrial District to accommodate the use. The proposed use as a laydown yard would be compatible with the nearby industrial uses, but incompatible with nearby residential and agricultural uses. Additionally, the proposal to remove a previously established landscape and screening buffer is incompatible with nearby residential and agricultural uses.

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

The removal of the restrictions may negatively impact the neighbors. The screening requirements set by previous Special Use Permits, which include fencing and landscaping may offset these impacts, however, the applicant is requesting to remove dirt and portions of the previously established buffer, which will exacerbate issues such as noise, dust and other visual impacts.

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

The site has operated as an earthen removal site over the past 20 years.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. The use is convenient for the owner as they can further modify the site and utilize it in the future either for their own use or to sell it to another private owner for their use. The expansion of the grading and dirt removal operation and expanding the types of industrial uses on the property may injure adjacent properties with noise and visual impacts, especially if more of the pre-existing buffer is removed.

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

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because Ruby Avenue is a relatively low trafficked street with three (3)

businesses on them adjacent to Kaw Drive. The property has significant frontage on South 86th Street, however, there are no access points from South 86th Street.

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

Special Use Permits are not addressed in the Comprehensive Plan. PlanKCK designates the subject property as Industrial, which allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. Use of the property for continued grading and dirt removal or as a laydown yard would conform to the Comprehensive Plan.

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

The proposed use to continue to remove dirt and grade the property as well as use as a laydown yard have the potential to significantly impact the environment. Altering the slopes and removing additional landscaping may result in increased erosion due to altered stormwater run-off patterns.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District #221.

e. *Fire*

Fire service is provided by Station #20, located at 78th & Kansas Avenue.

f. *Transit*

No transit service is provided to the subject property.

g. Schools

Public Education is provided by Edwardsville Elementary School, Robert E. Clark Middle School and Bonner Springs High School.

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

The economic impact of the proposed use on the community is minimal, however, if approved, the City will receive additional property tax revenue because of the improvements made to the property.

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

If revised, the proposed use is capable of meeting applicable ordinance and other requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they are currently proposing. There must be a balance between the adjacent and nearby residential property owners' quality of life is protected and a business that is wanting to relocate.

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

The proposed use of the site for grading will inherently create issues with noise, vibration and dust through the moving of dirt and heavy equipment on site. Illumination may also become an issue if enough of the existing and previously approved buffer is removed.

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

The proposed use for grading and earthen removal may create issues with air quality through dust particles and issues with water run-off, however, if managed properly, this should not be a major issue.

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

The property has been significantly altered in the 20+ years since the initial application to remove dirt and develop the site for industrial uses; Many of the property's natural features have already been significantly altered or removed

entirely. The northeast corner of the property, however, has been left undisturbed. This portion of the property includes a creek (Little Turkey Creek). As long as the previously approved or an amended buffer is maintained and no activity occurs within this northeastern quadrant, the proposed use for grading and removal should not destroy or damage what natural resources are left on the property.

16. The applicant's ability to maintain the use in an "as proposed" condition.

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

The proposed use is occurring on a property that is approximately 25 acres; Overcrowding of land or undue concentrations of population are not expected to be issues.

PREVIOUS ACTIONS

- Approval of a Change of Zone (COZ 2602) from A-G to A-G and MP-1 for industrial development in 2000.
- Approval of a Special Use Permit (SP-2000-47) for grading and dirt removal in 2000 for three (3) years.
- Approval of a Special Use Permit (SP-2004-10) for grading and dirt removal in 2004 for 18 months.
- Approval of a Special Use Permit (SP-2007-37) for grading and dirt removal in 2007 for three (3) years.
- Approval of a Special Use Permit (SP-2011-4) for grading and dirt removal in 2011 for three (3) years.
- Approval of a Special Use Permit (SP-2013-52) for grading and dirt removal in 2013 for five (5) years.
- Approval of a Special Use Permit (SP-2019-20) for grading and dirt removal in 2019 for five (5) years.
- Approval of a Special Use Permit (SP-2019-27) for an asphalt plant for a KDOT Mill and Overlay of K-32 in 2019 for three (3) months.
- Approval of a Change of Zone (COZ2021-018) from MP-1 and A-G to MP-3 for a permanent asphalt plant in 2021.
- Approval of a Master Plan Amendment (MPL2021-006) from Business Park to Industrial in the City-Wide Comprehensive Plan (2008) in 2021.
- Approval of a Change of Zone (COZ2021-052) to alter stipulations of Change of Zone COZ2021-018 in 2022.
- Approval of a Final Development Plan (PR2022-051) for a permanent asphalt plant in 2023.

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

A-G Agriculture District zoned Portion of Property
Bettis Asphalt Progress
District to Rezone To
Expansion into Established Buffer
Floodplain
Length of Time for On-Site Grading
Plans for Laydown Yard

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-035** and Special Use Permit Application **SP2023-117 (for five (5) years)**, subject to:

1. This Change of Zone will include the aforementioned area in the Northeast quadrant in Staff Comments and Suggestions, which will revert from MP-2 Planned General Industrial District to A-G Agriculture District;
2. This Change of Zone amends the A-G Agriculture District zoning buffer along the northern and western edge of the property down to 200 feet. Outside of grading necessary to bring the boundary to a 3:1 slope, no activity shall occur within this 200-foot buffer, which shall be preserved as an open space buffer;
3. The applicant shall file for both a Final Development Plan for the future laydown yard as well as a Plat to Plat the subject property.
 - a. When a Plat is filed, the remaining 200-foot buffer zoned A-G Agriculture District along the northern and western portion of the property shall be platted as an open space tract;
4. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines;
5. No additional grading shall occur in any area zoned within 100 feet of the northern and western property line(s);
6. The grade shall be brought to a 3:1 slope;
7. The northeast quadrant of the property shall remain zoned A-G Agriculture District and shall be preserved from any on-site grading without a corresponding project;
8. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines once grading has been completed;
9. 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;
10. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
- a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
11. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
- a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that all proposed are consistent with the need to minimize flood damage.:
 - g. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - i. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data;

12. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
 - a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
14. 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. 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;
16. 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;
17. 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;
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
19. 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;
20. 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;
21. 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;
 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 24. 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;
 25. 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,
26. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-035 and SP2023-117** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 8, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Existing Conditions
Site Plan
Landscape Plan
Grading Plan
Erosion Control Plans
Sections
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated January 17, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	July 8, 2024 - Approval	July 25, 2024
COZ/Special Use	(Referred back by BOC)	
	May 13, 2024	May 30, 2024
	April 8, 2024	April 25, 2024
	(Held Over)	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-035** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-035**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-117** 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 **SP2023-117**, 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 mentioned.

July 8, 2024, City Planning Commission Minutes:

Hearing starts at 38:36:

CHANGE OF ZONE APPLICATION COZ2023-035 – RYAN DENK - SYNOPSIS:

Change of Zone from MP-1 Planned Light Industrial and Industrial Park District to MP-2 Planned General Industrial District to construct a lay down yard at 1625 South 86th Street.

SPECIAL USE PERMIT APPLICATION SP2023-117 – STEVE SHORT WITH WESTHILLS INDUSTRIAL PARK – SYNOPSIS:

Renewal of a Special Use Permit (SP-2019-20 – expired 3/28/2024) to continue on-site grading and dirt removal at 1625 South 86th Street.

Detailed Outline of Requested Action: The applicant, Ryan Denk, representing West Hills Industrial Park, is requesting a renewal of a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill on the subject property, as well as a Change of Zone from MP-1 Planned Light Industrial District to MP-2 Planned General Industrial District to operate a laydown yard at 1625 South 86th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 8, 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:

- Steve Short, applicant, 6520 Northwest Fairway Drive, Kansas City, Missouri 64152
- Spencer A. Low, McAnany, Van Cleave and Phillips, representing Ryan Denk

Present in Opposition:

- No one appeared

Staff Recommendation starts at 43:25: Planner Molloy stated that the request is for a Change of Zone and renewal of a Special Use Permit for a lay-down yard and grading. This would be the eighth approval and seventh renewal. Mr. Molloy stated that Staff and the Applicant worked together to define the buffer and where it would be located. There are two (2) buffers; one 100' from the property line and after the project is

completed there will be a 200' open space buffer. Staff has asked the Applicant to submit a plat for the open space buffer and change the zoning from A-G Agriculture District to MP-2 Planned General Industrial District. Staff recommends approval of both applications subject to the conditions in the staff report. Approval for the Special Use Permit would be for five (5) years.

Motion starts at 45:10:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-035:**

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

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

Subject to:

1. This Change of Zone will include the aforementioned area in the Northeast quadrant in Staff Comments and Suggestions, which will revert from MP-2 Planned General Industrial District to A-G Agriculture District;
2. This Change of Zone amends the A-G Agriculture District zoning buffer along the northern and western edge of the property down to 200 feet. Outside of grading necessary to bring the boundary to a 3:1 slope, no activity shall occur within this 200-foot buffer, which shall be preserved as an open space buffer;
3. The applicant shall file for both a Final Development Plan for the future laydown yard as well as a Plat to Plat the subject property.
 - a. When a Plat is filed, the remaining 200-foot buffer zoned A-G Agriculture District along the northern and western portion of the property shall be platted as an open space tract;
4. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines;
5. No additional grading shall occur in any area zoned within 100 feet of the northern and western property line(s);
6. The grade shall be brought to a 3:1 slope;
7. The northeast quadrant of the property shall remain zoned A-G Agriculture District and shall be preserved from any on-site grading without a corresponding project;
8. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines once grading has been completed;

9. 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;
10. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
11. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that all proposed are consistent with the need to minimize flood damage.:
 - g. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - i. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data;

12. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
 - a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
14. 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. 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;
16. 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;
17. 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;
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
19. 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;
20. 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;
21. 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;
 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 24. 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;
 25. 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,
26. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-117 for five (5) years:**

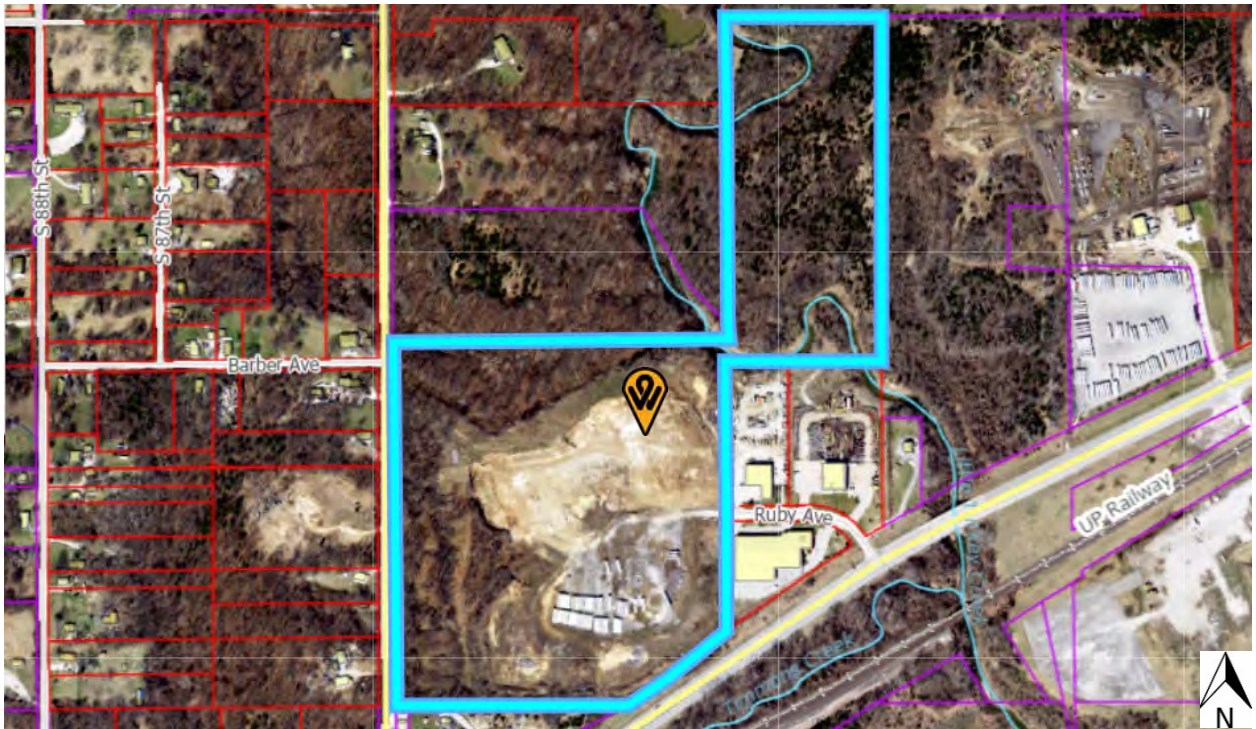
Carson	Chairman
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Not Present
Miller	Not Present
Mohler	Aye
Schwartz	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 8 to 0

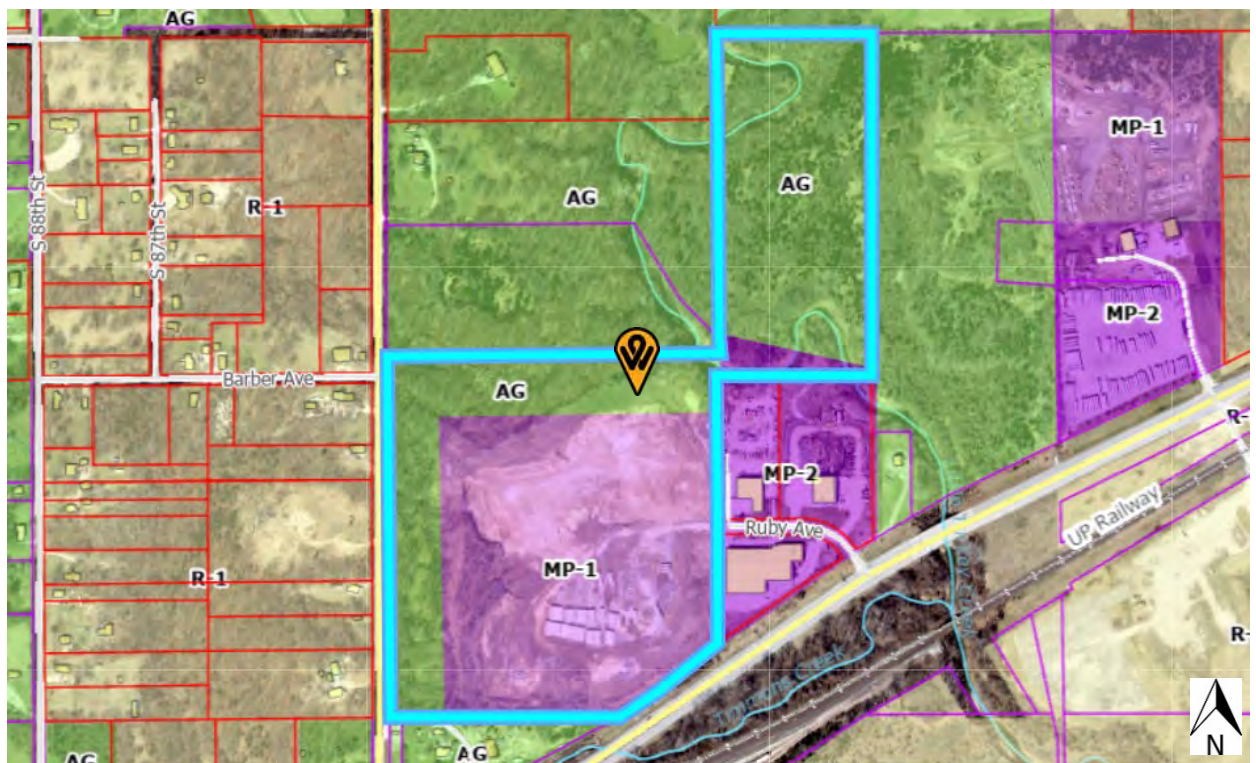
Subject to the above conditions.

ATTACHMENTS

AERIAL IMAGERY

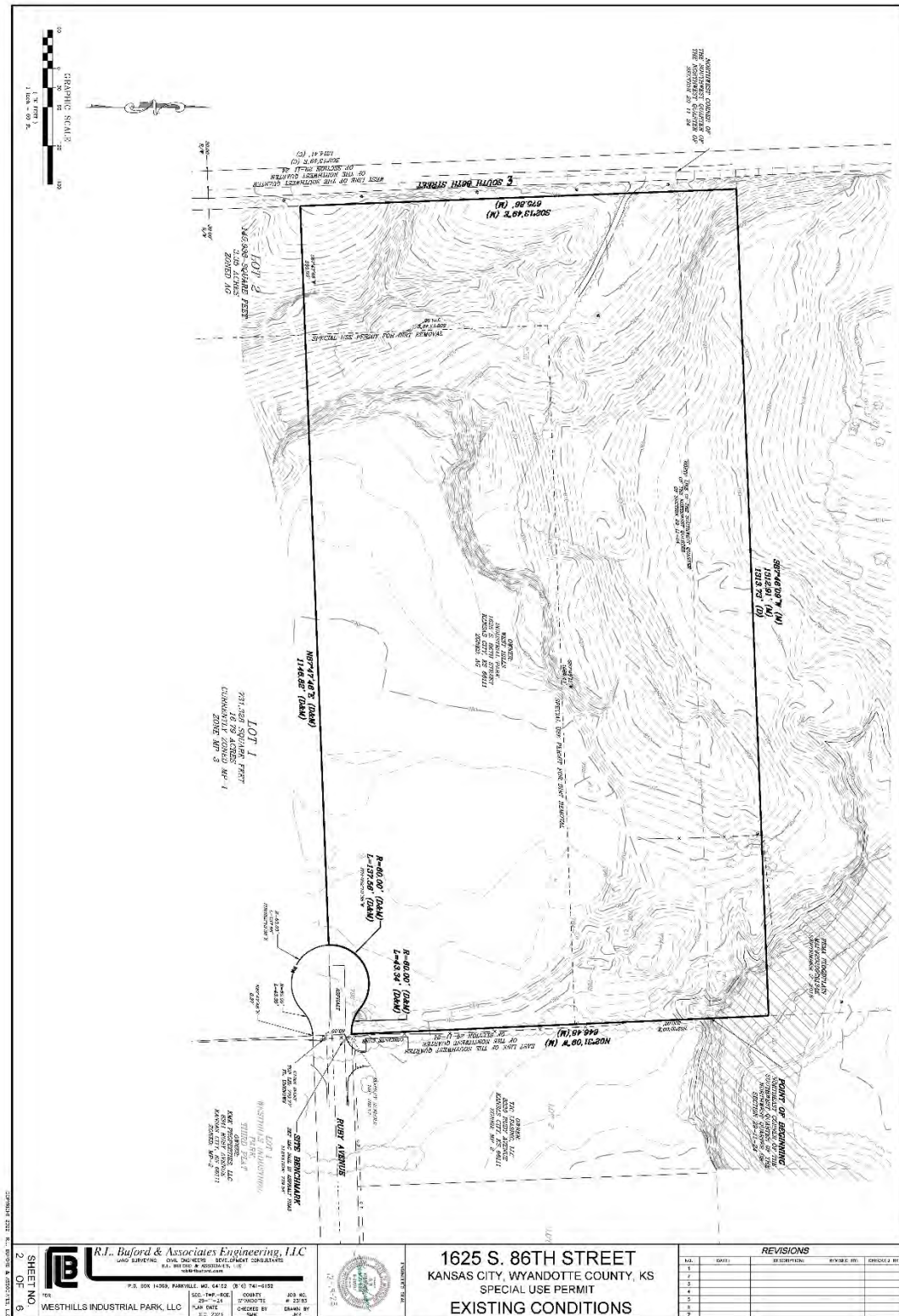


ZONING MAP



LAND USE MAP





COZ2023-035 and SP2023-117

July 25, 2024

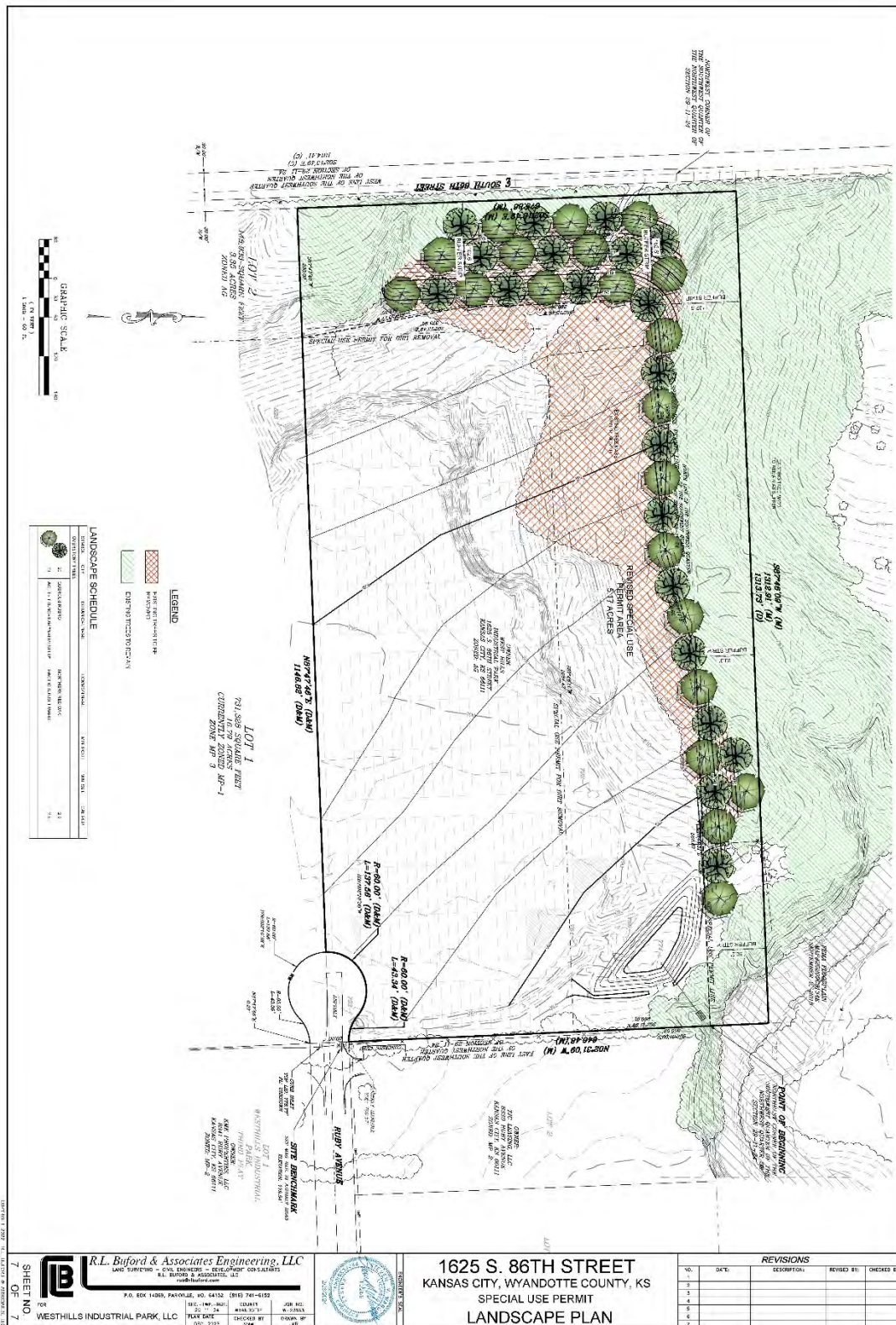
23

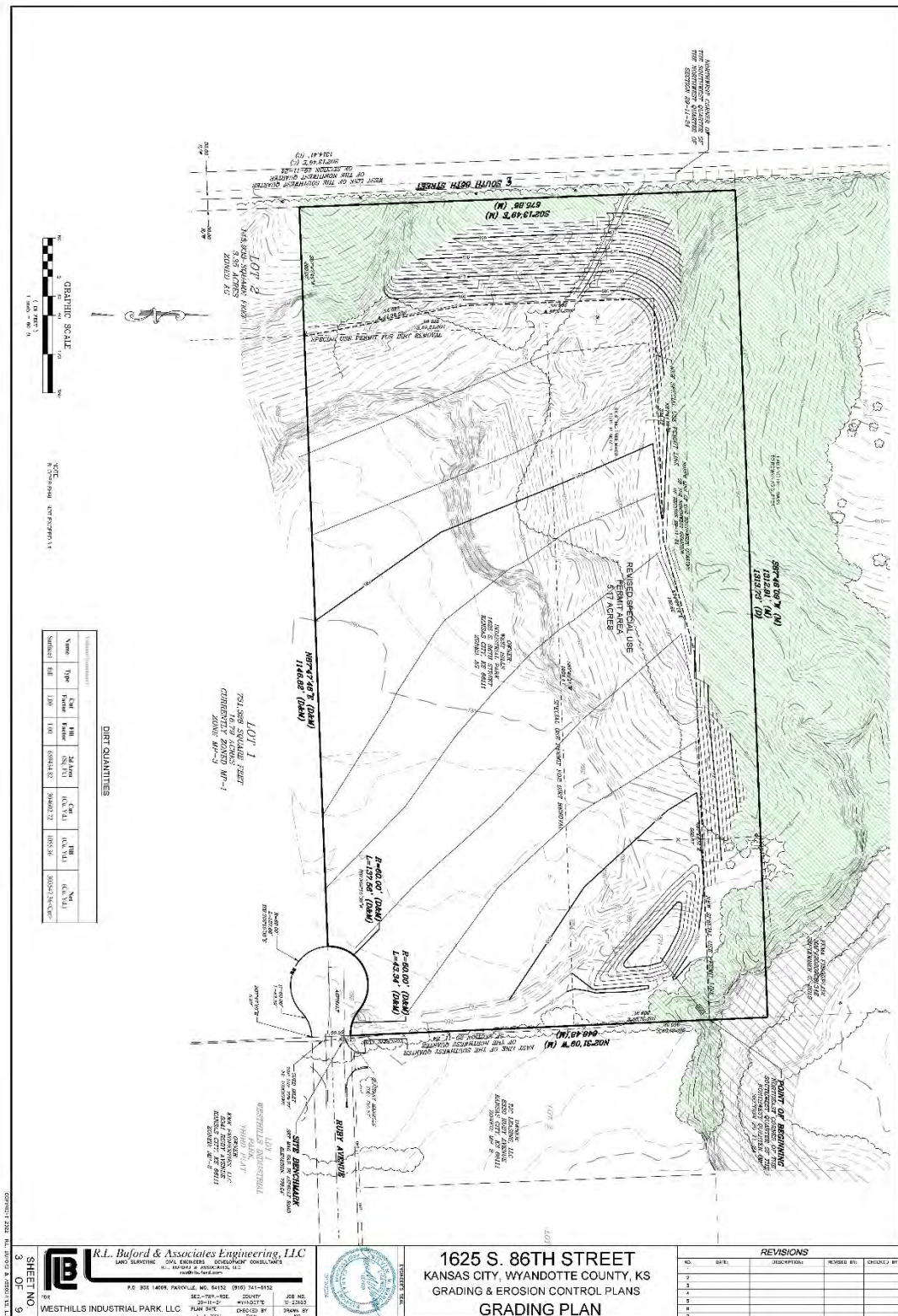


COZ2023-035 and SP2023-117

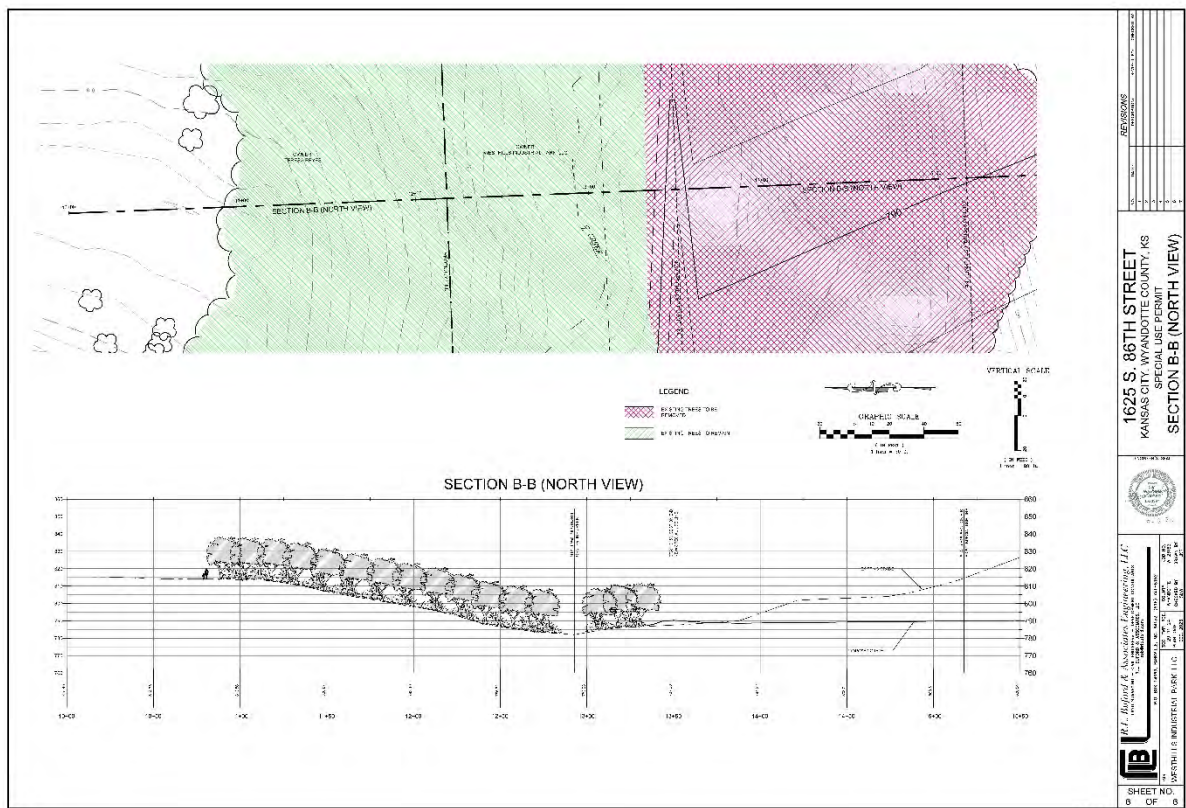
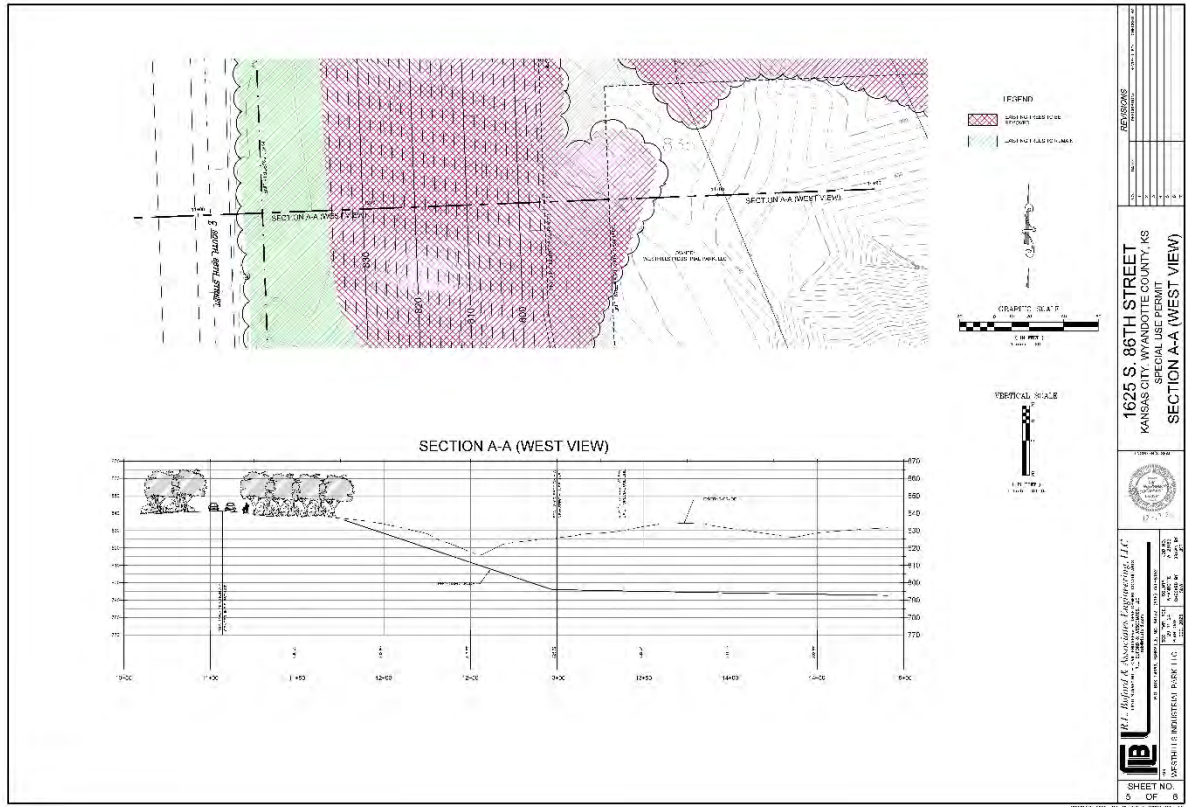
July 25, 2024

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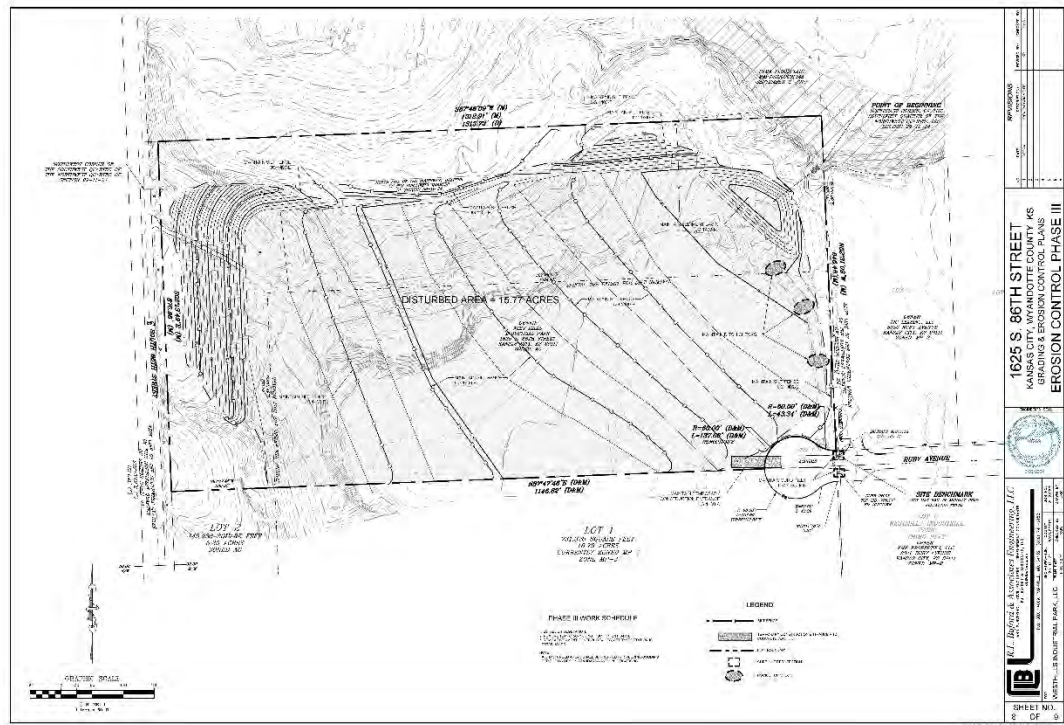




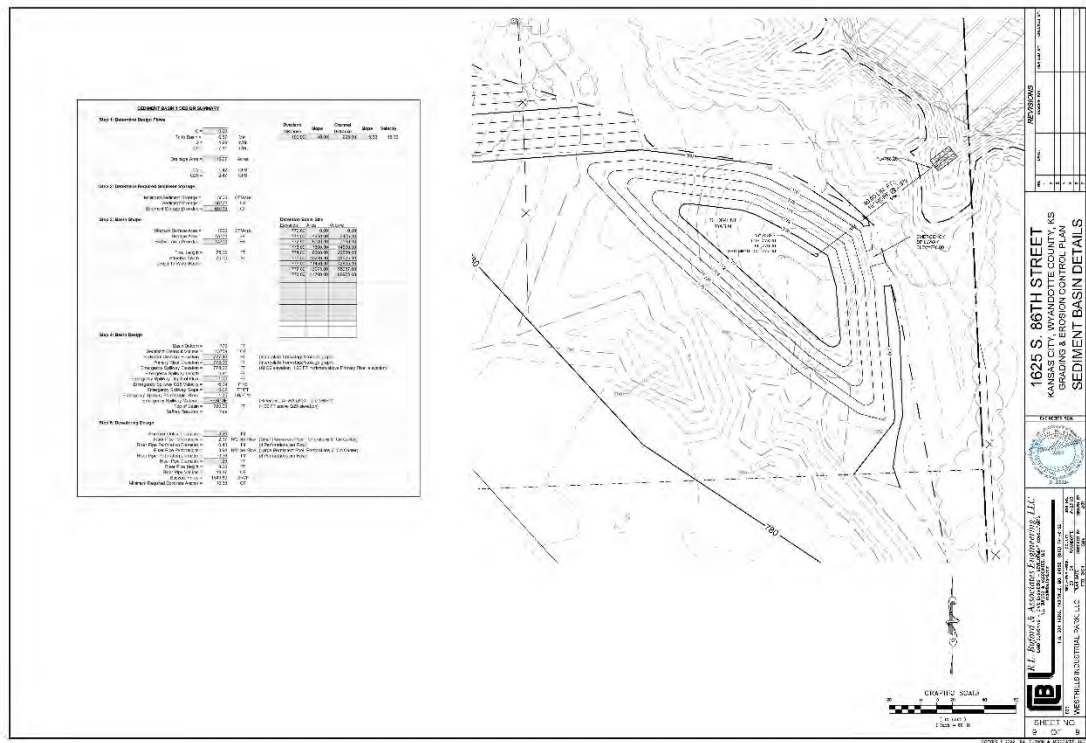
SECTIONS



PHASE III



SEDIMENT BASIN DETAILS



MINUTES OF NEIGHBORHOOD MEETING

Special Use Petition #SP2023-117 and
Change of Zone Petition COZ2023-035
Meeting Held: January 29, 2024, by videoconference

Meeting called to order at 5:30 p.m.

Attendees:

- Steve Short, Applicant
- Ryan Denk, Counsel for Applicant

The meeting was properly noticed and scheduled for January 29, 2024 at 5:30 p.m. via Teams. No neighbors attended the meeting. As no one else appeared, the neighborhood meeting was adjourned at approximately 5:45 p.m.

Minutes prepared by:

/s/ Ryan B. Denk
Ryan B. Denk

9311529.DOC

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now Steve Short, of lawful age, sound mind and upon his oath states as follows:

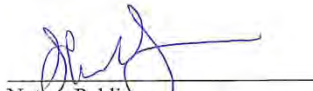
1. That I am the Petitioner for Special Use Petition #SP2023-117 and Change of Zone Petition COZ2023-035.
2. That I conducted a neighborhood meeting on January 29, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant – Steve Short

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19TH day of March, 2024.

My commission expires 04TH of APRIL, 2027.


Notary Public



93J1576.DOC















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: July 25, 2024

Re: Special Use Petition SP2024-009

GENERAL INFORMATION

Applicant:
Alyssa Prasil

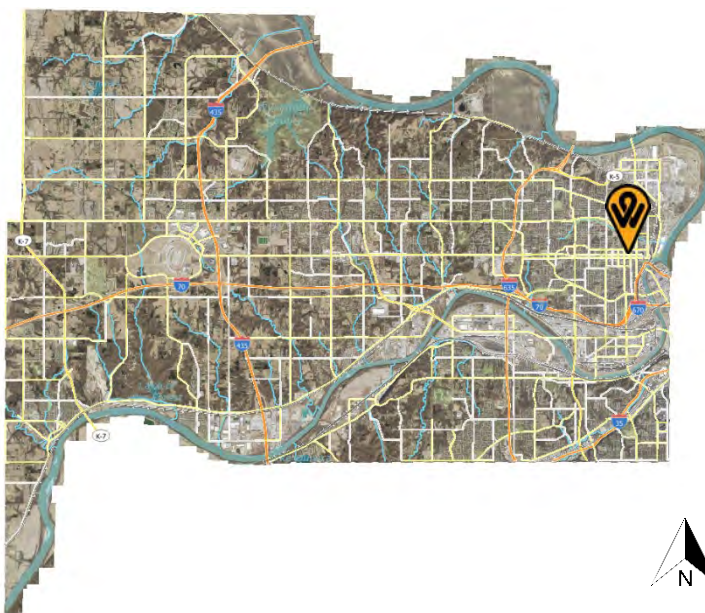
Status of Applicant:
Representative
Bank of Labor
1120 North 8th Street
Kansas City, Kansas 66101

Requested Action:
Approval of a Temporary Use of
Land Special Use Permit.

Date of Application:
February 23, 2024

Purpose:
Temporary Use of Land to keep an
office trailer on property while the
principal structure undergoes
renovation.

Property Location:
1120 North 8th Street
Kansas City, Kansas 66101



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #4 Commissioner: Dr. Evelyn Hill
Existing Zoning:	CP-2 Planned General Business District
Adjacent Zoning:	North: C-3 Commercial District South: C-D Central Business District East: C-D Central Business District West: RP-5 Planned Apartment District
Adjacent Uses:	North: Vacant Lot South: Parking Lot East: Church and Parking Lot West: Apartment Building
Total Tract Size:	1.05 Acre
Comprehensive Plan Area:	Downtown Area Plan
Comprehensive Plan Designation:	The Downtown Area Plan designates the subject property as Downtown Mixed-Use, which allows multi-story buildings with commercial/retail uses at street level preferred, with office uses and some residential uses above. Office uses may be allowed on first floor but should not dominate any block face and retail uses are allowed, but not on the first floor.
Major Street Plan:	The goDotte Mobility Plan designates State Avenue as a Minor Arterial and North 8 th Street as a Local Street.
Parking Requirement:	Section 27-466(e) states “Uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building”. There is 1,932 square feet of space on the property, which requires 8 parking spaces. The property contains 27 parking spaces. Some of these parking spaces, however, will not be usable during the duration that the trailer is on property. Staff is unsure how many will be taken, as a site plan was not provided.

Advertisement:	The Wyandotte Echo – March 14, 2024 Letters to Property Owners – March 15, 2024, March 27, 2024, May 2, 2024 and June 4, 2024
Public Hearings:	July 8, 2024 and July 25, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alyssa Prasil with Bank of Labor, is requesting a Temporary Use of Land Special Use Permit to keep an office trailer on site at 1120 North 8th Street, while the principal structure undergoes renovations.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been three (3) calls for police service since 2016, all related to either robbery or theft.

Building, Zoning, or Code Enforcement Complaints:

1. There has been one (1) notice of violation on the property, which occurred in 2011 for grass and weeds.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Riverview Statistical Neighborhood and the Downtown Shareholders (DTS) group. The neighborhood consists of a variety of uses, including multi-family residential, mixed-use, small-scale commercial, as well as institutions such as churches and schools.

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

The zoning and uses of nearby property are set out above. The surrounding zoning consists primarily of a range of commercial districts, however, there is RP-5 Planned Apartment District zoning directly adjacent to the west. While the presence of a temporary office trailer may be unsightly to the adjacent residential use, the proposed use is expected to be compatible as it is of a temporary nature.

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

The subject property is commercial, so the presence of a commercial office trailer would be suitable, especially one that is temporary. Removal of restrictions may, however, be a detriment to the adjacent residential uses, however, if managed properly, this should not be an issue.

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

The subject property is not vacant and is currently used by the Bank of Labor as a drive through teller.

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

Special Use Permits are not addressed in the Downtown Area Plan. The Downtown Area Plan designates the subject property as Downtown Mixed-Use, which allows multi-story buildings with commercial/retail uses at street level preferred, with office uses and some residential uses above. The proposed use is for a temporary office trailer, which will be used while the principal structure, a small commercial space, is renovated. The existing nor proposed use conforms to the Area Plan in terms of being a mixed-use on the property, however, the existing use pre-dates the development of the Area Plan and it meets the intent of the Area Plan with ground floor retail.

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 is not expected to increase the amount of traffic to the site, nor exceed the capacity of North 8th Street and State Avenue, a Local Street and Minor Arterial, respectively, as the bank is temporarily downsizing into a temporary office trailer, which may decrease traffic.

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

The proposed use is not necessarily reasonably necessary for the convenience and welfare of the public, however, the bank being able to continue to operate, rather than close or relocate, may be convenient for patrons of the bank. There is a chance that the presence of a temporary office trailer may impact the visual quality of the adjacent residential use, however, if managed properly, this should not be an issue.

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 issues with the proposed use, however, given the location along a major thoroughfare in addition to the work occurring on the property, these items are not expected to be an issue. Dust and vibration may be an issue in relation to the renovation of the primary structure.

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

The proposed use is not expected to pollute the air, land or water, as it is located on an existing, permitted commercial property in an existing urban commercial district.

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

The proposed use is not expected to damage or destroy an irreplaceable natural resource, as it is located on an existing, permitted commercial property in an existing downtown commercial district.

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

The relative gain to public health, safety and welfare is minimal. If denied, the applicant will be required to find a different alternative to continue to operate their business, either through relocation, or staying in the existing building during construction, both of which constitute a hardship on the property owner/business operator.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet all conditions of approval.

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

There is the potential for the overcrowding of land with this proposal; The trailer will take up a portion of the existing parking lot; This, in conjunction with the

planned renovation of the principal structure, may result in limited space for employees and patrons of the bank. Staff does not have a site plan, so a proper determination can not be made on how much of an impact. Undue concentrations of population is not expected to be an issue as long as occupancy limits are followed.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 20, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Connection to Utilities
Historic District
Landscaping and Screening
Site Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-009, **for two (2) years**, subject to:

1. The subject property is within the boundaries of a Historic District. A Historic State Law Review is required prior to any demolition, alteration, construction, repair, change of occupancy, or change in use of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;
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 exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. 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;
7. 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;
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 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. 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;
10. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
11. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
12. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be six (6) to 8 feet when planted as measured 12 inches above the ground;

13. The Special Use Permit shall be valid for two (2) years only from the publication of the associated Ordinance. There shall be no renewal of this Special Use Permit;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 **SP2024-009** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 8, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Historic District Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Example of Office Trailer
Site Photos, Taken by Staff, Dated March 11, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	July 8, 2024	July 25, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy

jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-009** 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 **SP2024-009**, 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.

July 8, 2024, City Planning Commission Minutes:

Hearing starts at 51:50:

SPECIAL USE PERMIT APPLICATION SP2024-009 – ALYSSA PRASIL -

SYNOPSIS: Special Use Permit to keep a temporary building on site while the primary structure is renovated at 1120 North 8th Street. Detailed Outline of Requested Action: The applicant, Alyssa Prasil with Bank of Labor, is requesting a Temporary Use of Land Special Use Permit to keep an office trailer on site at 1120 North 8th Street, while the principal structure undergoes renovations.

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 July 8, 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:

- Alyssa Prasil, applicant, 1120 North 8th Street, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 55:08: Planner Molloy stated that the request is for a temporary trailer on-site while they are doing renovations. Staff has received no letters in support nor opposition. Staff recommends approval for two (2) years subject to the conditions in the staff report. As this is a temporary use of land, the permit will only be in effect for two (2) years, and they will need a Certificate of Appropriateness as the property is located in an historic district.

Motion starts at 56:00:

On motion by Mr. Straws, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-009 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. The subject property is within the boundaries of a Historic District. A Historic State Law Review is required prior to any demolition, alteration, construction, repair, change of occupancy, or change in use of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;
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 exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 6. 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;
 7. 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;
 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 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. 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;
 10. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
 11. Section 27-699(a)(6) states that non-industrial and non-structural parking

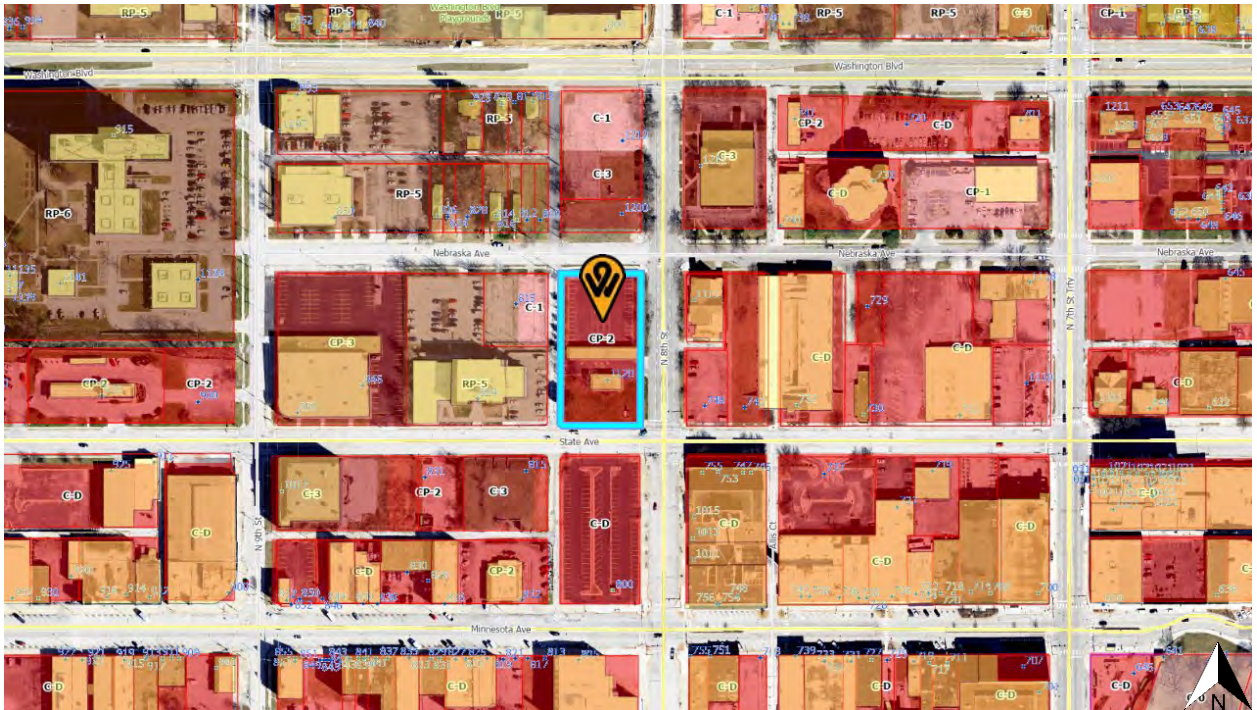
- lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
12. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be six (6) to 8 feet when planted as measured 12 inches above the ground;
 13. The Special Use Permit shall be valid for two (2) years only from the publication of the associated Ordinance. There shall be no renewal of this Special Use Permit;
 14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



HISTORIC DISTRICT MAP



NEIGHBORHOOD MEETING MATERIALS

Application Number: SP2024-009

Date of Meeting: June 20th, 2024

Location of Meeting: 1120 North 8th Street, Kansas City, KS 66101

Names of people in attendance:

- John Kamphaus, Community Bank Division Manager, Bank of Labor
- Alyssa Prasil, Chief Strategy and Innovation Officer, Bank of Labor
- Bill Miller, Chief Executive Officer, Bank of Labor
- Evelyn White, Commissioner, Unified Government of Wyandotte County

Introductions:

- John Kamphaus and Alyssa Prasil introduced themselves.

Presentation by applicant and/or team:

- Last year we encountered unforeseen circumstances that necessitated an immediate evacuation of our previous branch location. To ensure uninterrupted service to our valued branch customers, we are establishing a temporary facility that will serve our customers during this transition period.

As we embark on a remodel to enhance our facility, we want to assure you that the temporary facility is equipped to offer the full range of services you've come to expect from us. Your convenience and satisfaction are our top priorities, and we are taking every measure to ensure a seamless experience during the interim phase.

We appreciate your understanding and support as we strive to create a more modern, efficient, and customer-centric space that will serve you better in the long run.

Questions and Answers:

- Evelyn White inquired on our plans for the facility and potential expansion
 - o We described our plans and showed images of the architects renderings.

Meeting adjourned at 5:32pm.

Minutes taken by Alyssa Prasil.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

COUNTY OF Wyandotte)

Comes now John Kamphaus, Community Bank Division Manager, Bank of Labor,
of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP2024-009.
2. That I conducted a neighborhood meeting on June 20th, 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 21st day of June, 2024.

My commission expires 9th of Sept, 2025.




Notary Public



Neighborhood Meeting – Special Use Permit #SP2024-009
06/20/2024 – 5:00pm

Name:	Organization Representing:	Phone/E-mail:	Signature:
<i>J. Comm. Evelyn Hill</i>	<i>UG of Wyco</i>	<i>913-208-5897</i>	<i>Evelyn Hill</i>

11810 W 75th Street • Shawnee, KS 66214 • www.bankoflabor.com • 913-321-4242



June 7, 2024

Name
Address
Address

SUBJECT: Neighborhood Meeting

Bank of Labor has filed an application with the Planning + Urban Design Department #SP2024-009. The purpose of this special use permit is for temporary use of land to keep a temporary building on site while the primary structure is renovated at 1120 North 8th Street, Kansas City, KS 66101.

We are having a neighborhood meeting on Thursday June 20th at 5:00 p.m. at Bank of Labor, 1120 North 8th Street, Kansas City, KS 66101.

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

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

Sincerely,

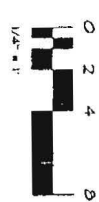
John Kamphaus, SVP
Community Bank Division Manager
NMLS #1115946
11810 W. 75th St.
Shawnee, KS 66214
Phone: 913-288-3262

11810 W 75th Street • Shawnee, KS 66214 • www.bankoflabor.com • 913-321-4242

SITE PLAN



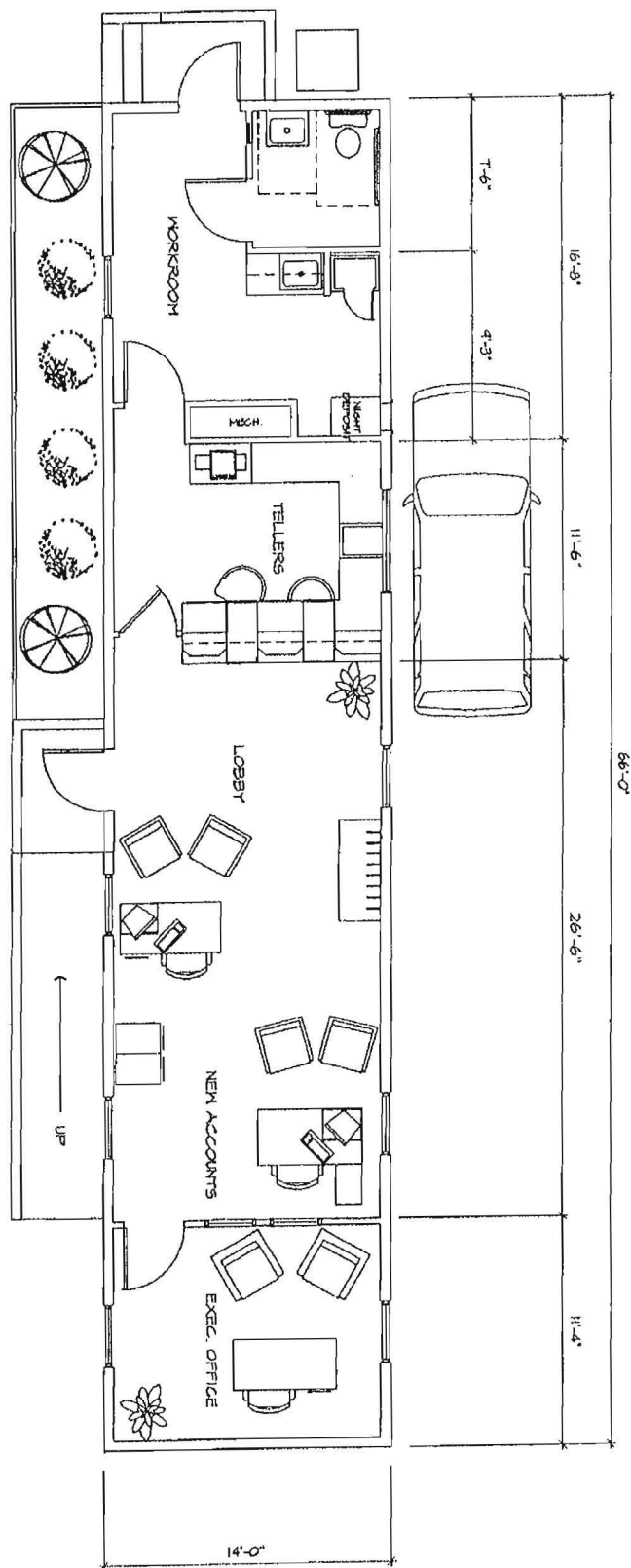
FLOOR PLAN



FLOOR PLAN

14' x 66' Floor Plan (approx. 924 sq. ft.)

**Furnishings as per lease agreement, not necessarily as pictured



EXAMPLE OF TEMPORARY TRAILER



SITE PHOTOS, TAKEN BY STAFF, DATED MARCH 11, 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: July 25, 2024

Re: Special Use Permit Petition SP2024-035

GENERAL INFORMATION

Applicant Information:

Andrew Beselica
Owner
3910 Valley Road
Nashville, TN 37205

Subject Property:

2504 West 47th Avenue
Kansas City, KS 66103

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires October 5, 2024) to operate
a short-term rental.

Commission Districts:

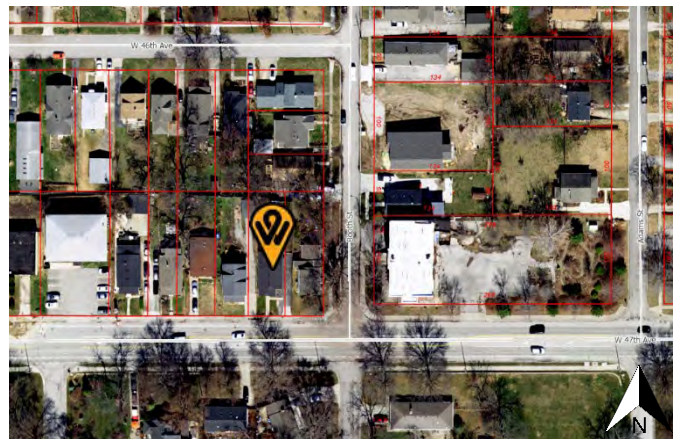
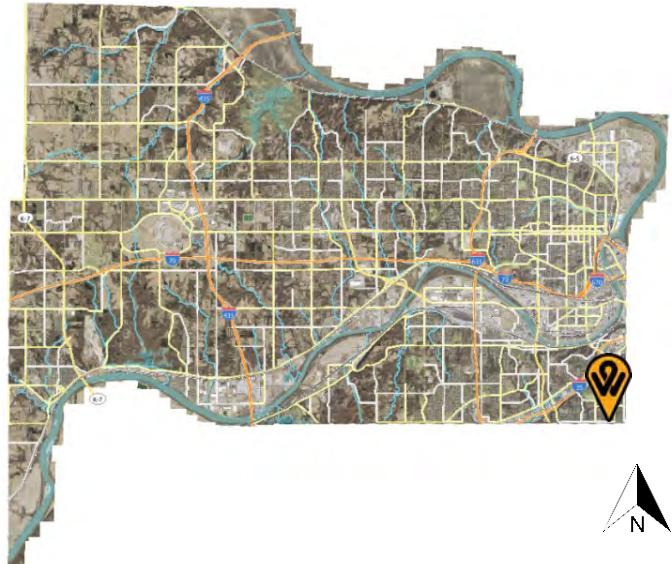
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-1(B) Single Family District

Comprehensive Plan Area

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-Family Residence
South	R-1 Single Family Residential in Westwood, Kansas	Single-Family Residence (City of Westwood, KS)
East	R-1(B) Single Family District	Single-Family Residence
West	R-1(B) Single Family District	Single-Family Residence

Total Tract Size: 0.132 Acre

Comprehensive Plan Area: Rosedale Area Plan

Comprehensive Plan Designation: The Rosedale Area Plan designates the subject 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 Countywide Strategic Mobility Plan designates West 47th Avenue as a Major Collector Street.

Parking Requirement: Section 27-455 (d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides three (3) parking spaces.

Landscaping Requirement: Section 27-700 (a) states “One shade tree per dwelling unit is required in the front or corner side yard, and one tree per 7,000 square feet of site area for uses other than residences.” The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – June 13, 2024
Letters to Property Owners – June 14, 2024

Public Hearings: July 8, 2024 and July 25, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrew Beselica, is requesting a renewal of a Special Use Permit (expires October 5, 2024) to operate a short-term rental at 2504 West 47th Avenue, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the only permitted short-term rental on the 2500 block of 47th Avenue.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. There are no notices of violation on the subject property.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2023-052) for a short-term rental in 2023 (expires October 5, 2024).

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Neighborhood, the Frank Rushton Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of primarily single-family residences with small-scale commercial mixed within the West 47th Avenue corridor.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties

in close proximity to a mixed-use corridor. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?*

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if aforementioned issues are properly managed.

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

The property is not vacant. The property operated as an unpermitted short-term rental from 2020 to 2023 but has since received their Special Use Permit. The property was built circa 1925.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates the subject 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 Rosedale Area Plan designation with the continuation of a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of West 47th Avenue, a Major Collector 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 making excessive noise, vibration, overcrowding of land, illumination, 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 all potential issues that are related to short-term rentals if they are not managed properly. There have not been any complaints to date with the current applicant. Dust is not typically an issue related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby properties.

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, permitted residence in an existing built-out urban neighborhood.

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

The relative gain or loss to 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 with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

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

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on June 24th, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-035 **for two (2) years**, subject to:

1. **Maximum number of guests shall be seven (7);**
2. **All parking must be off-street, maximum number of vehicles is three (3). 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 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;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-035** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 8, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated June 7, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	July 8, 2024 - Approval	July 25, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-035** 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 **SP2024-035**, 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.

July 8, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-035 – ANDREW BESELICA –

SYNOPSIS: Renewal of a Special Use Permit (SP2023-052, expires 10/5/2024) to continue to operate a non-owner-occupied Short-Term Rental at 2504 West 47th Avenue. Detailed Outline of Requested Action: The applicant, Andrew Beselica, is requesting a renewal of a Special Use Permit (expires October 5, 2024) to operate a short-term rental at 2504 West 47th Avenue, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the only permitted short-term rental on the 2500 block of 47th Avenue.

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 July 8, 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 publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. (No one responded in the affirmative).

On motion by Mr. Ward, seconded by Ms. Easterwood, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. Maximum number of guests shall be seven (7);
2. All parking must be off-street, maximum number of vehicles is three (3). 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 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;
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.

ATTACHMENTS

AERIAL IMAGERY



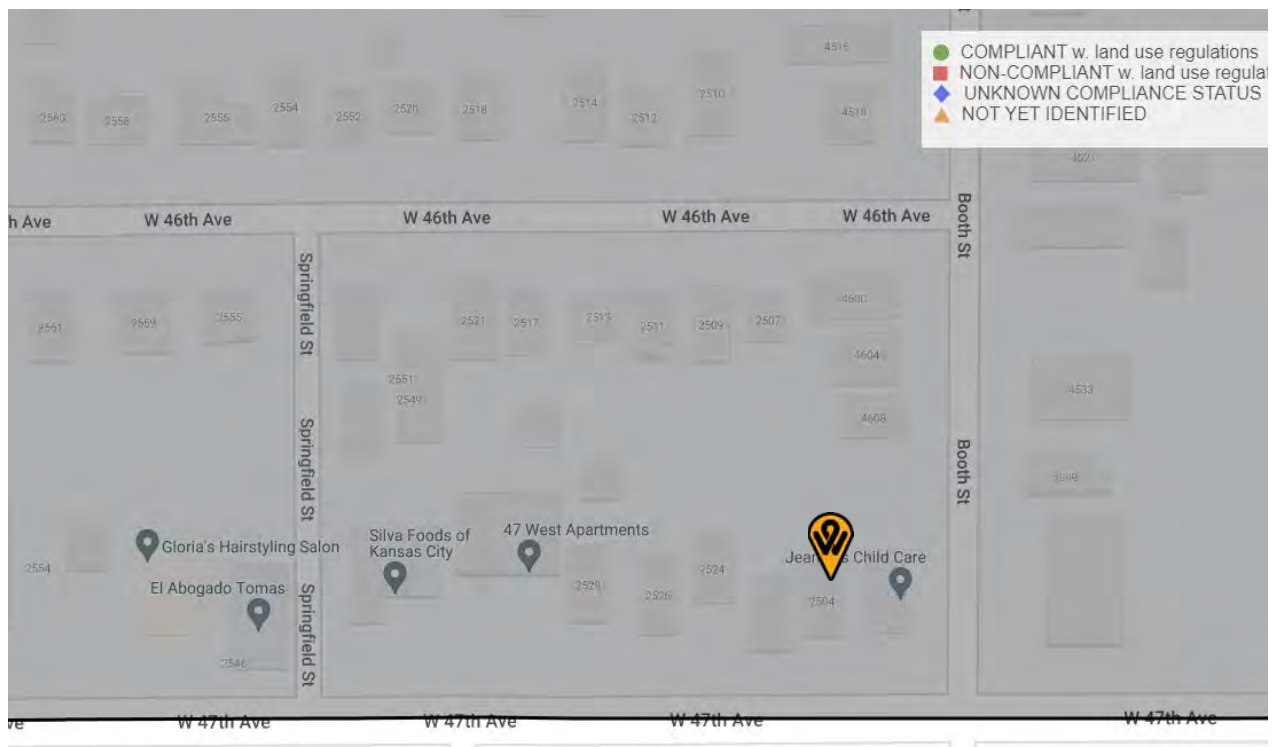
ZONING MAP



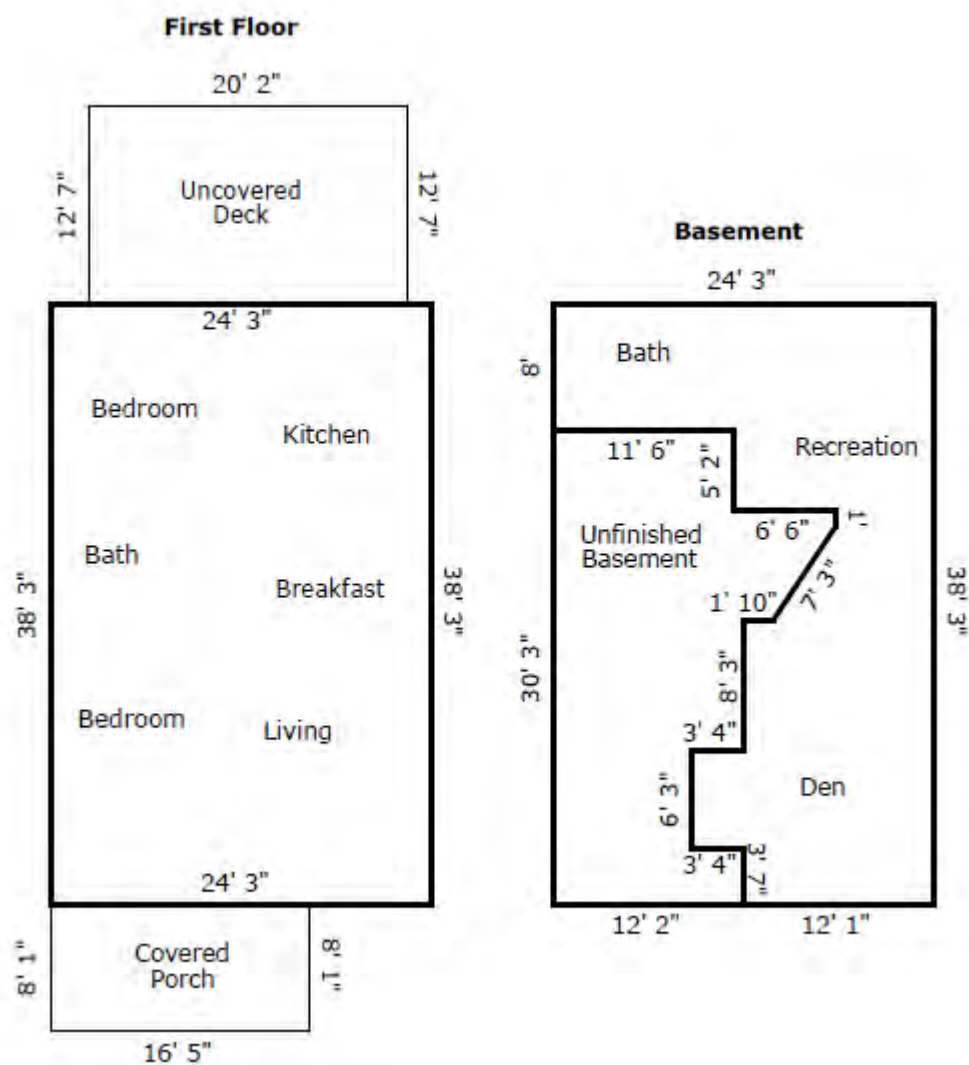
LAND USE MAP



SHORT-TERM RENTAL MAP



FLOOR PLAN



NEIGHBORHOOD MEETING MATERIALS

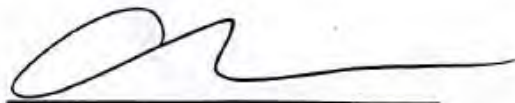
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Tennessee)
COUNTY OF Davidson) ss:

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

1. That I am the petitioner for Petition # SP2024-35
2. That I conducted a neighborhood meeting on 6/24/24.
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.

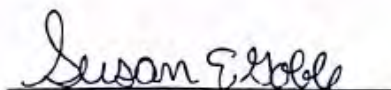


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24 day of June, 20024

My commission expires 5 of Nov, 20026





Notary Public

NEIGHBORHOOD MEETING MATERIALS

Application Number SP2024-35. 2504 W 47th St KCK

Date and Location: Jun 24, 2024 via zoom link: <https://zoom.us/j/2335800576>

Meeting called to order at: 1:00P Monday, Jun 24, 2024

Names of people in attendance:

Andrew Beselica, property owner

Johnathon Pruitt, property manager

*No other participants joined the meeting

Introductions:

N/A

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

N/A

Questions and answers (include the following):

Who asked question or gave comment

What was the question or comment

Who answered the question/comment

What was the answer given

N/A

Meeting adjourned at: 1:47P Due to no attendance

Minutes taken by: Johnathon Pruitt



Susan E. Goble
Nov 5, 2026
My commission expires

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JUNE 7, 2024



SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JUNE 7, 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: July 25, 2024

Re: Special Use Permit Petition SP2024-036

GENERAL INFORMATION

Applicant Information:

Jordan Peter
Representative
Kansas Gas Service
11401 West 89th Street
Overland Park, KS 66214

Subject Property:

8535 Riverview Avenue
Kansas City, KS 66112

Requested Action and Purpose:

Renewal of a Special Use Permit
(expired May 5, 2024) to continue to
operate a training facility for
excavating and pipeline operations.

Commission Districts:

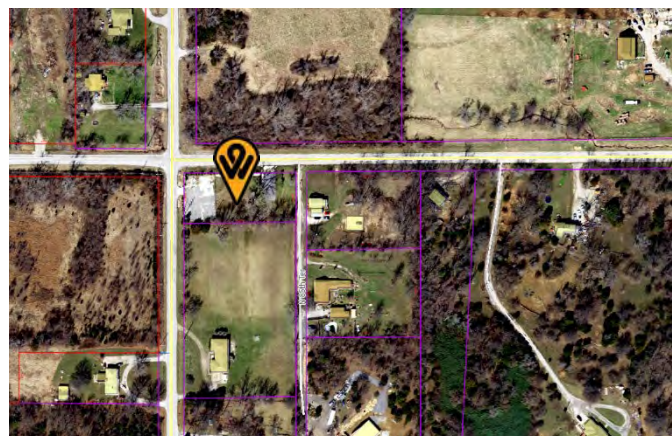
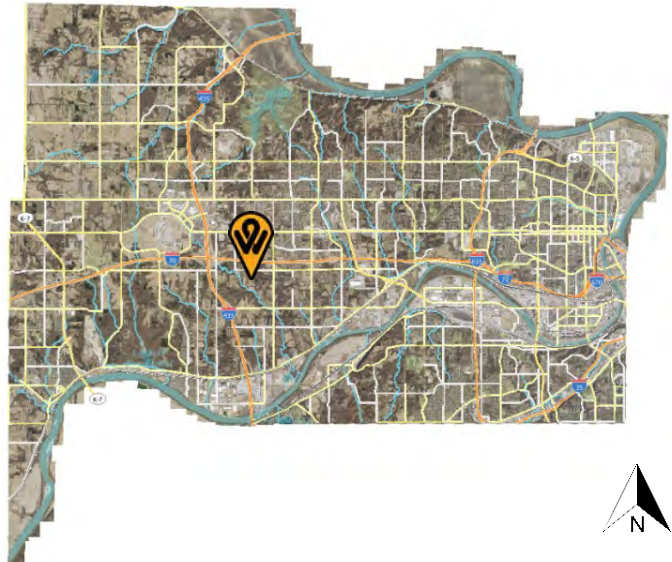
Commissioner At-Large, District #2:
Tom Burroughs
District #7 Commissioner:
Chuck Stites

Existing Zoning District(s):

A-G Agriculture District

Comprehensive Plan Area

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Vacant Lot
South	A-G Agriculture District	Single Family Residence
East	A-G Agriculture District	Single Family Residence
West	A-G Agriculture District	Vacant Lot

Total Tract Size: 0.73 Acre

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential which allows for single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods.

Major Street Plan: The goDotte Strategic Mobility Plan designates Riverview Avenue as a Minor Collector Street.

Parking Requirement: The A-G Agricultural District requires two (2) off-street parking spaces be provided for Single-Family Dwellings. Parking requirements for this particular property are outlined in the Standard Conditions of SP2022-004 as four (4) parking spaces and one (1) ADA parking space. Currently the site does not have any striped parking spaces.

Landscaping Requirement: Section 27-700 (a) states “One tree per 7,000 square feet of site area for uses other than residences”. The subject property requires five (5) trees for the 31,798 sqft of site area. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – June 13, 2024
Letters to Property Owners – June 14, 2024

Public Hearings: July 8, 2024 and July 25, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jordan Peter with Kansas Gas Service, is requesting a renewal of a Special Use Permit (expired May 5, 2024) to continue to operate a training facility for excavating and pipeline operations at 8535 Riverview Avenue, Kansas City, Kansas 66112. This property was approved for a Special Use Permit in 2016 (SP2016-86), which was renewed in 2019 (SP2019-10) and in 2022 (SP2022-004).

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. There are no notices of violation on the subject property.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2016 – 16402-00065 – Special Use Permit for the operation of a pipeline operation training facility.
2. 2019 – 19402-00001 – Special Use Permit for the operation of a pipeline operation training facility.
3. 2022 – SP2022-004 – Special Use Permit for the operation of a pipeline operation training facility.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Muncie-Stony Point Statistical Neighborhood. The neighborhood consists of single-family residences and large undeveloped lots. The subject property is on the corner of a Major Collector Street, South 86th Street, and a Minor Collector Street, Riverview Avenue.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the A-G Agriculture and the R-1 Single Family Districts. The proposed use, which is industrial in nature, is not compatible with nearby uses as the surrounding area is residential in nature. There is the potential for conflicts with the surrounding residences.

3. *The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?*

The proposed is suitable for the subject property as the proposed use has existed at this site since 2016. The removal of restrictions will not detrimentally affect nearby property owners.

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

The property is not vacant. The property has been active as a training site for new hires by the Kansas Gas Service since approval of their first Special Use Permit in 2016.

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

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential which allows for single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods. The proposed use does not conform to the PlanKCK Comprehensive Plan designation as this does not meet the Low-Density Residential description.

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 not increase vehicular traffic as this is a continuation of the existing use. The use should not exceed the capacity of Riverview Avenue, a Minor Collector Street, or South 86th Street, a Major Collector Street, to accommodate it if managed properly.

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

The proposed use is reasonably necessary for the convenience and welfare of the public as it provides training for a needed skill. The proposed use will not affect the use, quality, or marketability of nearby property if properly screened from the public view and all the conditions are met and adhered to.

- 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 dust are all occurrences associated with this use; however, they should not occur in excessive durations or intensities as to create issues with nearby properties. These are not expected to create problems for nearby property, if the proper screening is in place, outdoor lighting is affixed with 90-degree cut-offs, and the hours of operation are not excessive in nature.

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

The proposed use will not pollute the air, land or water if all the conditions are met and adhered to.

- 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, permitted training facility in an existing rural neighborhood.

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

The relative gain to public health, safety and welfare is minimal. If denied, the property owner may not use the property for an operations training facility, however, they can still use the property for agricultural purposes.

- 12. *The applicant's ability to maintain the use in an "as proposed" condition.***

The applicant has not maintained the proposed use according to previous conditions of approval

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

The proposed use is not expected to result in the overcrowding of land or undue concentrations of population as this is an existing use.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting virtually on June 25, 2024. The applicant also was on-site at the subject property of 8535 Riverview Avenue, Kansas City, Kansas 66112. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Vibration
Dust
Hours of Operation
Previous Conditions of Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends **APPROVAL** of Special Use Permit Application SP2024-036, **for five (5) years**, subject to:

1. **Comply with previous Standard Conditions of SP2022-004.**
 - a) **The four (4) company crew trucks parking stalls and drive approach shall be paved and striped accordingly;**
2. **Hours of operation shall be from 7:30 AM – 4:00 PM, Monday through Friday;**
3. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
4. **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;**
5. **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;

6. 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;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

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

14. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-036** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 8, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Planning Engineering Comments
Completed Landscaping
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff– Dated June 7, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	July 8, 2024 - Approval	July 25, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-036** 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 **SP2024-036**, 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.

July 8, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-036 – JORDAN PETER WITH KANSAS GAS SERVICE – SYNOPSIS:

Renewal of a Special Use Permit (SP-2022-004 – expired 5/5/2024) to continue operating a pipeline maintenance and digging training facility at 8535 Riverview Avenue. Detailed Outline of Requested Action: The applicant, Jordan Peter with Kansas Gas Service, is requesting a renewal of a Special Use Permit (expired May 5, 2024) to continue to operate a training facility for excavating and pipeline operations at 8535 Riverview Avenue, Kansas City, Kansas 66112. This property was approved for a Special Use Permit in 2016 (SP2016-86), which was renewed in 2019 (SP2019-10) and in 2022 (SP2022-004).

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 July 8, 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 publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. (No one responded in the affirmative).

On motion by Mr. Ward, seconded by Ms. Easterwood, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

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

Motion to APPROVE Passed: 8 to 0

Subject to:

- 1. Comply with previous Standard Conditions of SP2022-004.
 - b) The four (4) company crew trucks parking stalls and drive approach shall be paved and striped accordingly;****
- 2. Hours of operation shall be from 7:30 AM – 4:00 PM, Monday through Friday;**
- 3. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 4. 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;**
- 5. 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;**
- 6. 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;**
- 7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 8. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;**
- 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**

11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all

conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

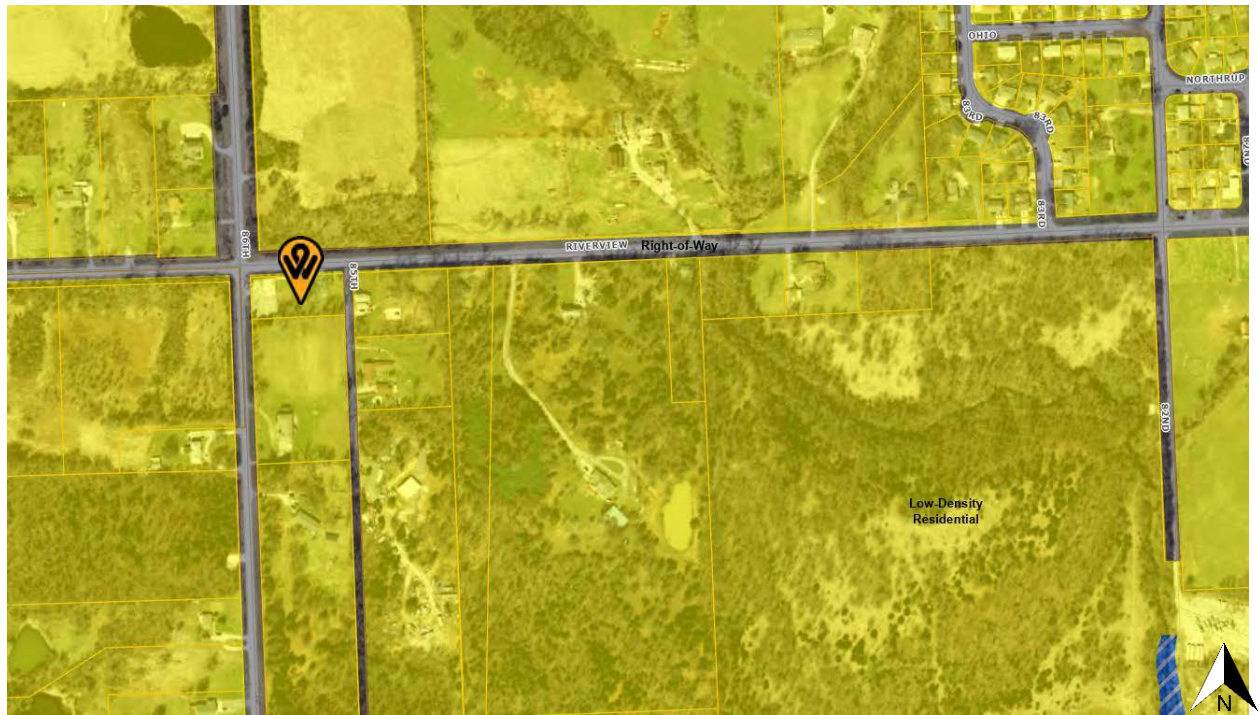
AERIAL IMAGERY



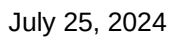
ZONING MAP



LAND USE MAP



SP2024-036





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

Memorandum

TO: Kiley Meierarend
Principal Planner

FROM: Jordan Stephens
Project Engineer

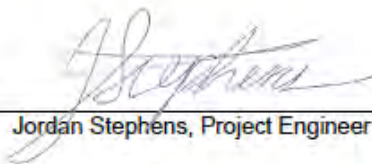
DATE: June 10, 2024

SUBJECT: Jordan Peter – (SP2024-036)
8535 Riverview Avenue
General Engineering Review No. 1 (of the application received 05/23/2024)

Prior to engineering approval on the above-named project, the preliminary submission must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. Respond in writing (.pdf or .doc) to each comment by email to EDR@wycokck.org. Include application number in the subject line. Attach revision clouded drawings when applicable.

- 1) Conditions of approval for the previous Special Use Permit, SP2022-004, required that the culvert on the West side of property be cleaned out and kept clean. The culvert has not been cleaned. Ensure that culvert is cleared before Special Use Permit renewal moves forward.
- 2) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.

Reviewer: _____


Jordan Stephens, Project Engineer

COMPLETED LANDSCAPING



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP 2024-036
2. That I conducted a neighborhood meeting on 6/23/24.
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.

J. Peter
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26 day of June 200 2024

My commission expires 21 of June 200 2026.



Jill Tennant
Notary Public

8535 Riverview

SP2024-036

Neighborhood Minutes:

Attendees: Jordan Peter

Meeting times:

- Start time: 7:00 PM

- No Attendees

- End Time: 7:30 PM

No Meeting notes.

Jordan Peter

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JUNE 7, 2024



SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JUNE 7, 2024



SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JUNE 7, 2024



SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JUNE 7, 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: July 25, 2024

Re: Special Use Permit Petition SP2024-037

GENERAL INFORMATION

Applicant Information:

Sylvia King
President
Turtle Hill Community Association
617 Freeman Avenue
Kansas City, KS 66101

Subject Property:

600 Washington Boulevard and
1308 North 6th Street
Kansas City, KS, 66101

Requested Action and Purpose:

Approval of a Special Use Permit to
host small-scale events at a privately
operated park.

Commission Districts:

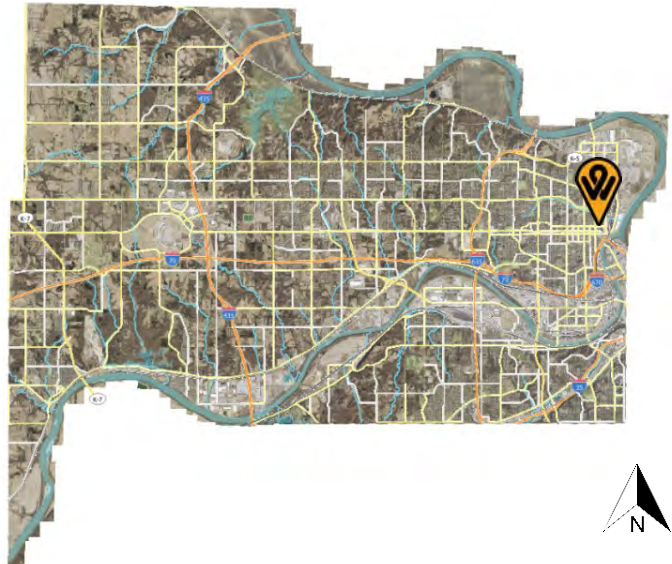
Commissioner At-Large, District #1:
Melissa Bynum
District #4 Commissioner:
Dr. Evelyn Hill

Existing Zoning District(s):

RP-1(B) Planned Single Family District

Comprehensive Plan Area

Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	RP-1(B) Planned Single Family District	Single-Family Residence
South	C-D Central Business District	Garden-Style Apartments
East	RP-1(B) Planned Single Family District	Church
West	RP-1(B) Planned Single Family District	Single-Family Residence

Total Tract Size: 0.16 Acre

Comprehensive Plan Designation: The Northeast Area Plan designates the subject property as Neighborhood Mixed-Use, which allows a mix of single family houses, apartment buildings, small commercial buildings, and mixed-use buildings.

Major Street Plan: The goDotte Mobility Plan designates Washington Boulevard as a Minor Arterial and North 6th Street as a Local Street.

Parking Requirement: Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. As this is a park without structures, no parking is required.

Landscaping Requirement: Section 27-700(a) states “one (1) shade tree per dwelling unit is required in the front or corner side yard, and one (1) tree per 7,000 square feet of site area for uses other than residences”. The site is 7,115 square feet, which requires two (2) trees. There are two (2) trees on site.

Advertisement: The Wyandotte Echo – June 13, 2024
Letters to Property Owners – June 14, 2024

Public Hearings: July 8, 2024 and July 25, 2024

Public Support: There were 13 people present in support at the July 8, 2024, City Planning Commission meeting.

Public Opposition:

There was one (1) person present in opposition at the July 8, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Sylvia King, is requesting a Special Use Permit for events and a community gathering space at a privately managed park at 600 Washington Boulevard.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There was one (1) police call to the subject property in 2018 for a drug offense.

Building, Zoning, or Code Enforcement Complaints:

1. There are no notices of violation on the subject property.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Northeast Statistical Neighborhood, the Northeast-Midtown NBR, and the Turtle Hill Neighborhood group. The neighborhood consists of primarily single-family residences, and small-commercial uses. There are also garden-style apartments, churches, and a mix of “missing middle” housing within the neighborhood.

2. The zoning and uses of properties nearby and the proposed use’s expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the RP-1 Planned Single Family District to the north and east, and the C-D

Central Business District to the south. The proposed use is expected to be compatible with the nearby neighborhood and has the ability to enhance the neighborhood.

3. *The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?*

The proposed use is suitable for the subject property, as it has been a vacant property for over 20 years, and is of a scale that blends in well with the neighborhood. The removal of restrictions will not detrimentally affect nearby property if managed properly.

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

The property is currently used as a pocket park for the Turtle Hill Community.

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Neighborhood Mixed-Use, which allows a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings. While the proposed use does not conform to the Area Plan, the plan anticipates are future, higher use for the property.

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 minimal potential to increase vehicular traffic, as it is expected most users would walk to the park. Any increase in traffic is not expected to exceed the capacity of Washington Boulevard or North 6th Street to accommodate it if managed properly.

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

The proposed use is reasonably necessary for the convenience and welfare of the public, as it provides a space, maintained by the community, to host community gatherings and small-scale events. The proposed use will not affect the use, quality, or marketability of nearby property if managed properly.

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

Noise and illumination are common issues with the proposed use. Use of the property as a private pocket park with community events is not expected to create issues that will occur in durations or intensities as to create issues with nearby properties.

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 pocket-park.

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, permitted pocket park.

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

The proposed use will provide a substantial gain to public health, safety, and welfare, as open space can promote healthy activities and lifestyles, increase community interaction, and increase mental wellbeing, as well as provide a safe gathering space that is easily accessible to nearby residents. Additionally, the reuse of current vacant parcels will have a net positive for local property values and landowners.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet all conditions of approval.

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

While it is assumed most patrons will walk to this park, there is the potential for increased traffic, as patrons may drive to the park. The increased traffic should be encouraged, however, as it would be as sign of use of the space, as well as provide more "eyes on the street", which increases safety. Staff contends, however, that most patrons will more than likely walk or bike to the park rather than drive, therefore, Staff does not believe it is likely that the proposed use will result in the overcrowding of land or cause undue concentrations of population.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on June 24, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Security
Type of Events

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-037, **for an indefinite period**, subject to:

1. There can be no amplified noise on the property for events, a side from a speaker for a microphone, a small-scale Bluetooth speaker for a phone, or a portable stereo without additional speaker hook-ups. There shall be no sound-systems brought in, such as a disk-jockey (DJ) setup, or other similar sound systems;
2. The park shall be maintained regularly;
3. A sign shall be posted on the property stating the open hours of the park, similar in size as an ADA sign placard;
4. Loitering, such as overnight camping, or activities which disturb the public peace, shall be addressed in a reasonable manner and timeframe;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;

10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-037** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 8, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Site Photos, Taken by Staff, Dated June 7, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	July 8, 2024 - Approval	July 25, 2024

STAFF CONTACT:

James Molloy
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-037** 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 **SP2024-037**, 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.

July 8, 2024, City Planning Commission Minutes:

Hearing starts at 57:10:

SPECIAL USE PERMIT APPLICATION SP2024-037 – SYLVIA KING WITH TURTLE HILL COMMUNITY ASSOCIATION - SYNOPSIS: Special Use Permit for a private pocket park with small-scale events at 600 Washington Boulevard and 1308 North 6th Street. *Detailed Outline of Requested Action:* The applicant, Sylvia King, is requesting a Special Use Permit for events and a community gathering space at a privately managed park at 600 Washington Boulevard.

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 July 8, 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:

- Sylvia King, applicant, President of Turtle Hill Community Association, 617 Freeman Avenue, Kansas City, Kansas 66101
- Justine Underwood-Jones
- Erma Fields, 558 Freeman Avenue, Kansas City, Kansas 66101
- Roberta Hays, 626 Everett Avenue, Kansas City, Kansas 66101
- Rev. Stevie Wakes
- Rosalyn Brown, Mason Temple Church of Christ, 554 Washington Boulevard, Kansas City, Kansas
- Kathy Harrington
- Joanne Reliford, 624 Everett, Kansas City, Kansas 66101
- Seven (7) people raised their hands in support that did not want to speak

Present in Opposition:

- Scott Murray, 623 Everett Avenue, Kansas City, Kansas 66101

The Planning Commission directed questions to the Applicant.

Staff Recommendation starts at 1:19:25: Planner Molloy stated that the proposal is for a pocket park for small community events. Before this evening Staff received no letters in support nor opposition. This property has been vacant for 20+ years. The association has a plan for maintenance. There was a similar project at 17th and Quindaro about one (1) year ago for a park and events. He further stated that parking is not required for this use. Staff recommends approval for an indefinite Special Use Permit, subject to the conditions in the staff report.

The Planning Commission addressed questions to Staff.

Motion starts at 1:21:50:

On motion by Ms. Armstrong, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-037 for an indefinite period:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. There can be no amplified noise on the property for events, a side from a speaker for a microphone, a small-scale Bluetooth speaker for a phone, or a portable stereo without additional speaker hook-ups. There shall be no sound-systems brought in, such as a disk-jockey (DJ) setup, or other similar sound systems;
2. The park shall be maintained regularly;
3. A sign shall be posted on the property stating the open hours of the park, similar in size as an ADA sign placard;
4. Loitering, such as overnight camping, or activities which disturb the public peace, shall be addressed in a reasonable manner and timeframe;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified

Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

7. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance;

- 15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



June 24, 2024

Special Meeting <sup>600 Washington Blvd
+ 1308 N. 6th St.</sup>
6pm SP 2024-037 (special use permit)

Sign In

Erna L Fields 558 Freeman RCK
John King, II 617 Freeman Ave. 66101

~~Peta Anderson~~ 552 Oakland
Aracely Madrid 605 Everett
Sylvia King 617 Freeman Ave

Application Number SP2024-037

Date and Location June 24, 2024 600 Washington Blvd/1308 N. 6th Street

The meeting started promptly at 6:30 P.M.

There were five people in attendance: Aracely Madrid, Erma Fields, Sylvia King, John King and Rita Anderson

The meeting was called to order by Sylvia King and was geared around the amenities of the Turtle Hill pocket park such as security, maintenance, activities, no alcohol and no loud music. Overviews were given of the park and the participants were encouraged to use the park for small events, neighborhood meetings and membership drives.

The only question that was asked was by Aracely Madrid and that was about the lights at night for the park. Sylvia explained that the park will be open from sunrise until sunset. The park will not be opened at night and that will be monitored by the KCK Police department because they will have 24 hour surveillance of the cameras.

The meeting adjourned at 7:15 P.M.

Minutes were taken by Rita Anderson

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP2024-037
2. That I conducted a neighborhood meeting on June 24, 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.



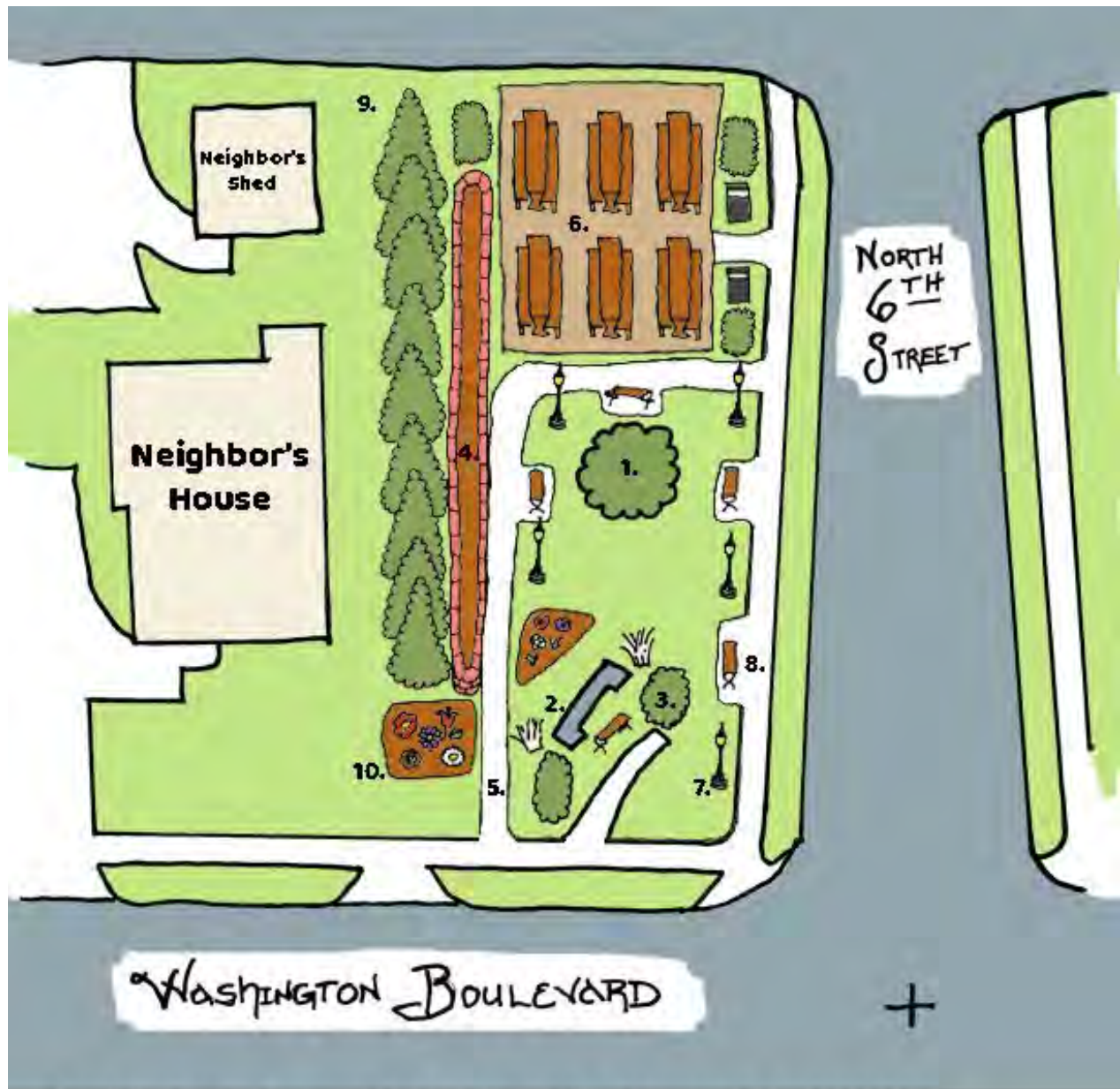
Sylvia King
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of June, 2024

My commission expires 12 of 27, 2025

Angelica Lara
Notary Public

SITE PLAN



1. Existing mature crabapple tree. (Will remain as ornamental and shade tree.)
2. Existing stone "Turtle Hill" neighborhood sign, featuring historical plaque.
3. Existing holly bushes and decorative grasses.
4. Planned 2' tall raised bed, constructed of terra cotta colored retaining wall blocks.
5. Planned sidewalk/winding trail with bump outs for new benches.
6. Planned patio/deck with picnic tables, trash bins, and space for possible grill on site.
7. Planned 8' tall solar street lights in classic, timeless style.
8. Planned new benches along existing sidewalk and planned trail connection thru park.
9. Planned screen of arborvitae bushes to provide privacy and sound barrier to neighbor.
10. Planned pollinator gardens to be installed and maintained by Groundwork NRG.

SITE PHOTOS, TAKEN BY STAFF, DATED JUNE 7, 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: July 25, 2024

Re: Special Use Permit Petition SP2024-038

GENERAL INFORMATION

Applicant Information:

Riad Baghdadi
RB Engineering, Architecture and
Construction
11661 College Boulevard
Overland Park, KS 66210

Subject Property:

919 South 26th Street
Kansas City, Kansas 66106

Requested Action and Purpose:

Approval of a Special Use Permit to
have a truck repair shop and parking.

Commission Districts:

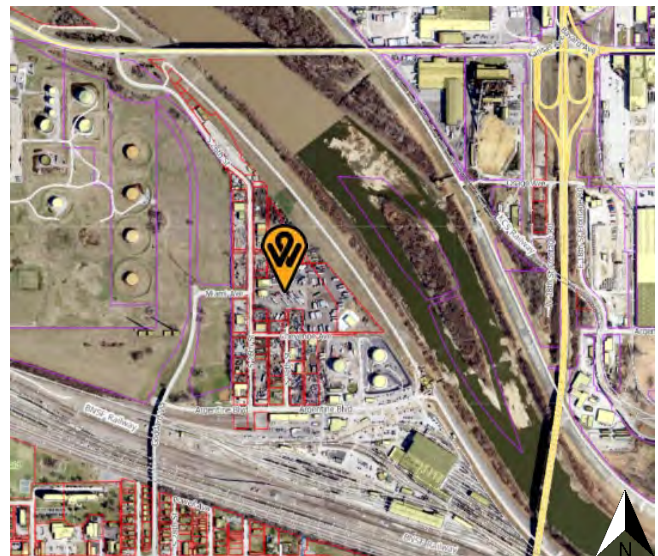
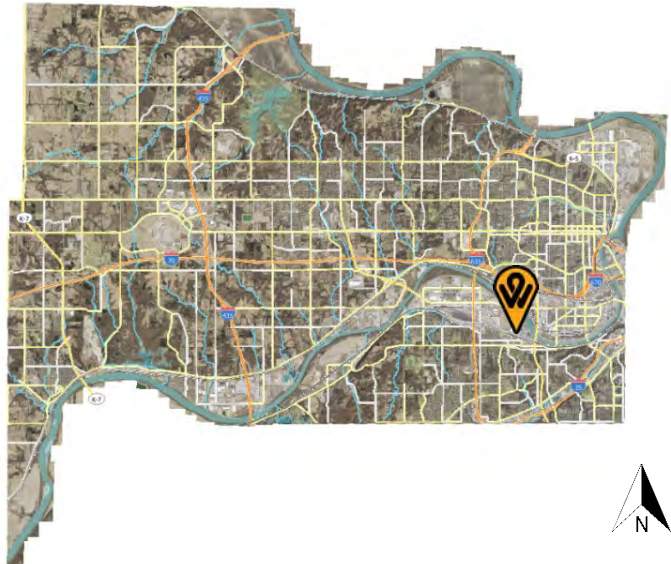
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Philip Lopez

Existing Zoning District(s):

M-3 Heavy Industrial District

Comprehensive Plan Area

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	M-3 Heavy Industrial District	Salvage yard
South	M-3 Heavy Industrial District	Salvage yard
East	M-3 Heavy Industrial District	Kaw Valley Drainage District
West	M-3 Heavy Industrial District	Salvage yard

Total Tract Size: 7.26 Acres

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Industrial, which allows land featuring small, medium and large-scale industrial processing, manufacturing outdoor storage. These uses are often the most intensive uses characteristic of heavy truck traffic, excessive noise, and potentially noxious impacts. As such, industrial uses should be in or abutting existing industrial districts, but not encroach on existing residential or commercial areas that may act to buffer such residential uses. These areas should be designed to support multi-modal connectivity with sidewalks and street trees, and include amenities such as enhanced landscaping, lighting, walking trails on an attractive campus feel.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates South 26th Street as a Local Street.

Parking Requirement: Section 27-470(f) Required Parking: M-3 Zone: Section 27-470(f) states that parking requirements for this district are required at a ratio of one (1) space for every 500 square feet of building area up to 20,000 square feet. The existing building to remain has 6,916 square feet and the proposed building has 8,064 for a combined square footage of 14,980, requiring 30 parking spaces. The total number of proposed parking spaces is 149, exceeding this requirement.

Landscaping Requirement:

Section 27-700(b)(4) trees may be required depending on the particular location and surroundings of the project up to a maximum of one (1) tree per up to 15,000 square feet of site area. Auto salvage yards shall be enclosed by minimum 8-foot tall architectural screening fence and nothing shall be stored to a height greater than the height of the fence.

Section 27-577(a)(5) Landscaping shall exceed the typical code by at least 75 percent. 79 trees are required.

Advertisement:

The Wyandotte Echo – June 13, 2024
Letters to Property Owners – June 14, 2024

Public Hearings:

July 8, 2024 and July 25, 2024

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The representative, Riad Baghdadi with RB Engineering, Architecture and Construction, is requesting a Special Use Permit to continue to operate a heavy truck and automotive repair and body shop at 919 South 26th Street. The applicant did not pay the ordinance publication fee, so the original Special Use Permit was not published.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints associated with the property.

Building, Zoning, or Code Enforcement Complaints:

1. 19200-05181 – damaged fence, weeds and missing address numbers in 2019.

Outstanding or Related Permit and Cases:

1. DRC23-007 – building permit for the construction of building to service heavy truck and automotive repair and body shop (building permit has not been issued).

Previous Planning Actions:

1. SP-2022-90 for heavy truck and automotive repair and body shop.
2. PLAT2023-001 for one (1) industrial lot.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Santa Fe Statistical Neighborhood and Block Group 0438041. The neighborhood consists of heavy industrial uses with salvage and scrap yards to the north, south, and west. This portion of South 26th Street borders the Kansas River to the east. Sinclair Transportation Company has gasoline silos to the west, across South 26th Street and Miami Avenue.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by M-3 Heavy Industrial District. The proposed use, which is industrial in nature, is compatible with nearby uses if properly managed because the majority of salvage yards along South 26th Street are legal, non-conforming, legacy uses.

3. The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?

The property suitable for heavy truck and automotive repair if managed properly. It has historically been used as heavy truck repair and salvage facilities for automobiles and heavy trucks since the 1960s.

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

The property is not vacant, but was previously used for small auto repair, parts, distribution, and salvage.

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

Special Use Permits are not addressed in the Prairie Delaware Piper Area Plan. The Industrial designation allows land featuring small, medium and large-scale industrial processing, manufacturing outdoor storage.

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 South 26th Street, a Local Street, to accommodate it if managed properly. The street has historically been an industrial area with frequent truck traffic of a similar nature.

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

The proposed use is not reasonably necessary for the public, as it proposes no direct benefit to the health, safety, or welfare of the community. It is not expected that it will affect the visual quality and marketability of nearby property, as surrounding properties are of similar industrial use and character.

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.*

There is a potential for noise, vibration, and illumination to be a problem at this location, as its purpose is to service heavy trucks, however this is not foreseen to be a problem for nearby properties as it is an industrial area in which adverse uses are designated. There are crushers and other heavy equipment that operate in the area, which operate at a greater intensity and duration than truck repair occurring within this building.

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

There is some potential to pollute the air, land, or water, as the truck pollutants and exhaust into the air is greater than other uses. Land or water sources could be polluted if chemicals and oils are not maintained or disposed of in a proper mannerism. If the applicant properly maintains the property, pollution and environmental concerns should be average for the expected use.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing lot that has been historically used

for this purpose. The construction of the new, larger building is replacing an existing building and no expansion onto undeveloped property is proposed.

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 public gain is negligible, as the operation of an automotive sales shop is a private business. Should the Special Use Permit be denied, the business operator would need to find a different location. The building owner would lose a potential tenant and experience loss of rental income before finding another tenant and could not reapply for the same use for one (1) year.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet all conditions of approval.

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

Overcrowding of buildings or automobiles should not be a problem if the use is managed appropriately, however, staff has requested a slight modification to some parking to enhance traffic flow and pedestrian accessibility. The subject property has ample parking at 149 spaces, with 17 dedicated to staff and passenger cars.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on June 21, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Site Circulation
Parking
Pedestrian Connectivity
On-Site Signage
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-038, **for two (2) years**, subject to:

1. This Special Use Permit, SP2024-038 has being filed because SP2022-090, approved in 2023, did not publish their Special Use Permit ordinance. Furthermore, the building is expanding greater than five (5) percent, therefore it must go back through the entitlement process;
2. Hours of operation are from Monday through Saturday, 8:00 AM to 5:00 PM;
3. No parking or idling shall be allowed along the driveway;
4. Repave the parking lot;
5. Stripe the parking lot for customers, employees, and trucks;
6. Install wheel stops in the customer parking lot and truck parking lot so vehicles do not roll into the grass or damage the fence;
7. Install an opaque gate door on the trash enclosure;
8. Previous conditions of approval from SP2022-090:
 - a. Gravel is not an approved surface. All parking and outdoor storage must be upgraded to concrete or asphalt;
 - b. Ground equipment must meet both the UG Commercial Design Guidelines Standards and BPU equipment standards;
 - c. The Applicant shall make additional changes prior to the approval by the Board of Commissioners:
 - i. The parking lot shall be revised to reflect the updated diagonal parking;
 - ii. The employee parking shall be revised to eliminate the tight corner;
 - iii. Additional parking shall be formally striped at the front of the existing building and added to the new building;
 - iv. The lighting shall be noted to be downward facing;
 - v. A sawcut detail for landscape installation shall be provided;
 - vi. The note regarding ground equipment shall be modified to reflect that BPU equipment requirements have been changed;
 - vii. All applicable comments from GSS and the County Surveyor regarding the Plat shall be revised prior to final posting;
 - d. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
 - e. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be six (6) to 8 feet when planted as measured 12 inches above the ground;
 - f. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container

- will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
- g. Per Director's Interpretation of Section 27-699(e), the following architectural standards have been identified as being good design practices and should be included in the design plans:
- i. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
 - ii. Lighting shall be installed to have a 90-degree cutoff fixtures;
 - iii. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate;
- h. Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;
- i. Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;
- j. Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;
- k. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or buildinginspection@wycokck.org;
- l. All existing and future driveways must feature curb cuts that are constructed to UG standards;
- m. 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;
- n. Applicant shall comply with all Geospatial Services and County Surveyor Comments prior to the filing of the Plat;
- o. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- p. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards

and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;

- q. 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;
- r. 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;
- s. If approved, the applicant must file and maintain a current business occupation tax application with this office;
- t. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
- u. The approved use is not authorized 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;
- v. 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;
- w. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
 - x. Any business in Wyandotte County that 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;
 - y. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
 - z. 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 AND CONDITIONS

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 **SP2024-038** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 8, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floodplain Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Floor Plan
Building Elevations
Site Photographs

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	July 8, 2024 - Approval	July 25, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-038** 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 **SP2024-038**, 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.

July 8, 2024, City Planning Commission Minutes:

Hearing starts at 1:23:05:

SPECIAL USE PERMIT APPLICATION SP2024-038 – RIAD BAGHDADI WITH RB ARCHITECTURE ENGINEERING AND CONSTRUCTION - SYNOPSIS: Special Use Permit for the expansion of an automotive/heavy truck repair operation at 919 South 26th Street. Detailed Outline of Requested Action: The representative, Riad Baghdadi with RB Engineering, Architecture and Construction, is requesting a Special Use Permit to continue to operate a heavy truck and automotive repair and body shop at 919 South 26th Street. The applicant did not pay the ordinance publication fee, so the original Special Use Permit was not published.

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 July 8, 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:

- Riad Baghdadi, applicant, 11661 College Boulevard, Overland Park, Kansas 66210

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:25:21: Lead Planner Toy stated that the owner is seeking to increase the square footage of the building. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:26:19:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-038 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. This Special Use Permit, SP2024-038 has being filed because SP2022-090, approved in 2023, did not publish their Special Use Permit ordinance. Furthermore, the building is expanding greater than five (5) percent, therefore it must go back through the entitlement process;
2. Hours of operation are from Monday through Saturday, 8:00 AM to 5:00 PM;
3. No parking or idling shall be allowed along the driveway;
4. Repave the parking lot;
5. Stripe the parking lot for customers, employees, and trucks;
6. Install wheel stops in the customer parking lot and truck parking lot so vehicles do not roll into the grass or damage the fence;
7. Install an opaque gate door on the trash enclosure;
8. Previous conditions of approval from SP2022-090:
 - a. Gravel is not an approved surface. All parking and outdoor storage must be upgraded to concrete or asphalt;
 - b. Ground equipment must meet both the UG Commercial Design Guidelines Standards and BPU equipment standards;
 - c. The Applicant shall make additional changes prior to the approval by the Board of Commissioners:
 - i. The parking lot shall be revised to reflect the updated diagonal parking;

- ii. The employee parking shall be revised to eliminate the tight corner;
 - iii. Additional parking shall be formally striped at the front of the existing building and added to the new building;
 - iv. The lighting shall be noted to be downward facing;
 - v. A sawcut detail for landscape installation shall be provided;
 - vi. The note regarding ground equipment shall be modified to reflect that BPU equipment requirements have been changed;
 - vii. All applicable comments from GSS and the County Surveyor regarding the Plat shall be revised prior to final posting;
- d. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
- e. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be six (6) to 8 feet when planted as measured 12 inches above the ground;
- f. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
- g. Per Director's Interpretation of Section 27-699(e), the following architectural standards have been identified as being good design practices and should be included in the design plans:
 - i. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
 - ii. Lighting shall be installed to have a 90-degree cutoff fixtures;
 - iii. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate;
- h. Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;
- i. Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;
- j. Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;

- k. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or buildinginspection@wycokck.org;**
- l. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- m. 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;**
- n. Applicant shall comply with all Geospatial Services and County Surveyor Comments prior to the filing of the Plat;**
- o. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
- p. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;**
- q. 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;

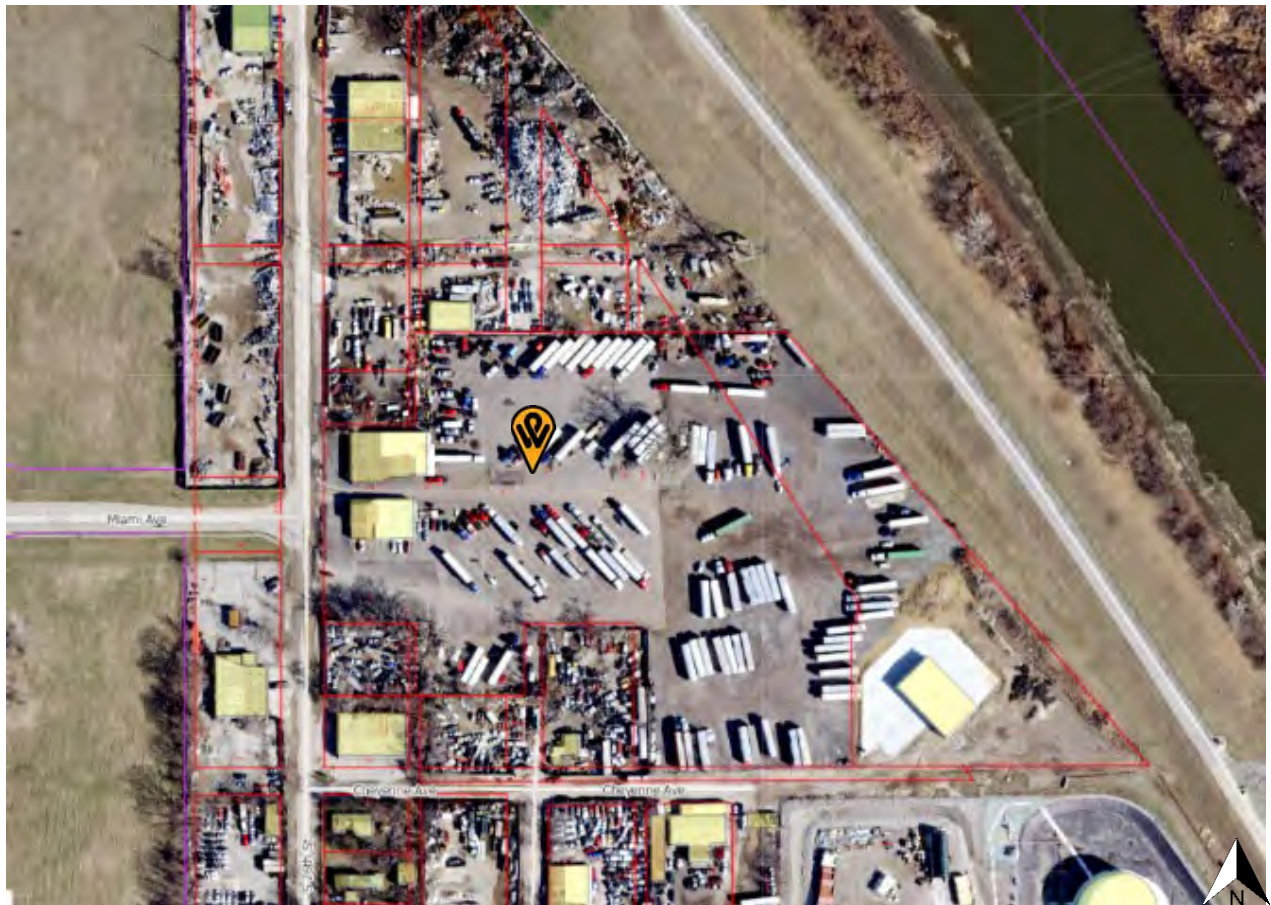
- r. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
- s. If approved, the applicant must file and maintain a current business occupation tax application with this office;
- t. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
- u. The approved use is not authorized 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;
- v. 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;
- w. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
- x. Any business in Wyandotte County that 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;

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

ATTACHMENTS

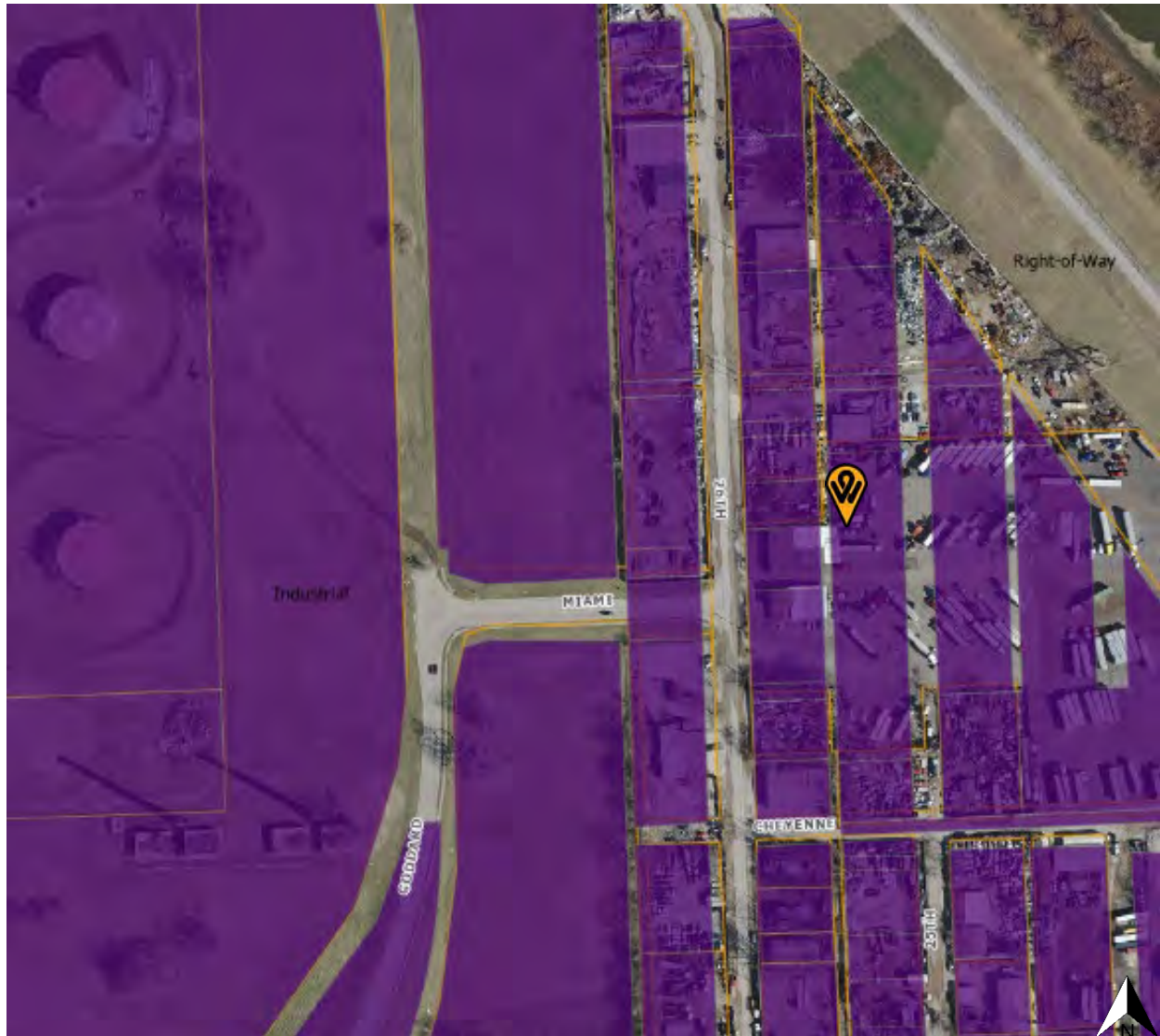
AERIAL IMAGERY



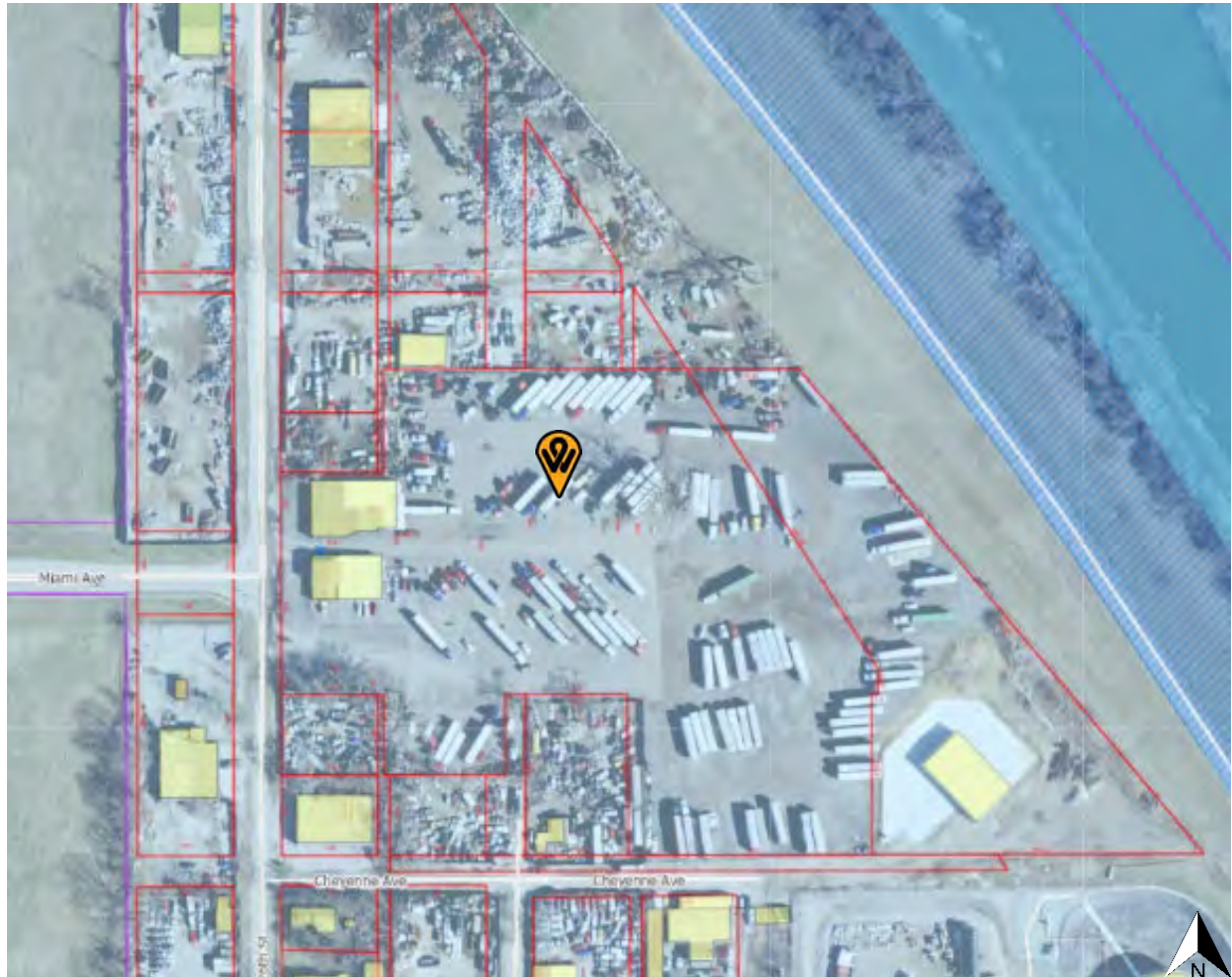
ZONING MAP



LAND USE MAP



ADDITIONAL ATTACHMENTS



STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. This Special Use Permit, SP2024-038 has being filed because SP2022-090, approved in 2023, did not publish their Special Use Permit ordinance. Furthermore, the building is expanding greater than five (5) percent, therefore it must go back through the entitlement process.
Response: Acknowledged.
2. What are the proposed hours of operation?
Response: Hours of operation: 8:00am - 5:00pm Monday thru Saturday.
3. No parking or idling shall be allowed along the driveway.
Response: No parking or idling shall be allowed along the driveway. A sign is added.
4. Repave the parking lot.
Response: Parking lot shall be repaved as indicated on plans.
5. Stripe the parking lot for customers, employees, and trucks.
Response: Parking shall be stripped as indicated on plans.
6. Install wheel stops in the customer parking lot and truck parking lot so vehicles do not roll into the grass or damage the fence.
Response: Wheel stops are shown on plans.
7. Install an opaque gate door on the trash enclosure.
Response: Gate on trash enclosure will be opaque as shown on plans.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
Response: Plans were revised based on the engineering comments dated 12-15-2023. A copy of the plans and comments are included in with this submittal.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Standard Conditions:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
2. If approved, the occupying business must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org.
3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure.



ARCHITECTURE ENGINEERING CONST

MEETING ATTENDANCE FORM

MEETING Date: 6/21/2024 Time: 7:00 PM Place: ZOOM ID: 865 8693 4766
Moderator: RB Architecture Engineering Construction Subject: Neighborhood Meeting
SPECIAL USE PERMIT – SP2024-038
919 S 26th Street, Kansas City KS 66106

No	Name	Address	Email
1	NONE		
2	meeting opened 6:50pm.		
3	meeting closed 7:20pm		
4			
5	No attendants		
6			
7	Diad Baghladi		
8			
9	6-21-24		
10			
11			
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25			

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # SP2024-038
2. That I conducted a neighborhood meeting on 6-21-2024.
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.

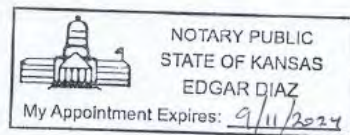
Further affiant saith not.

Riad Baghdadi
Affiant

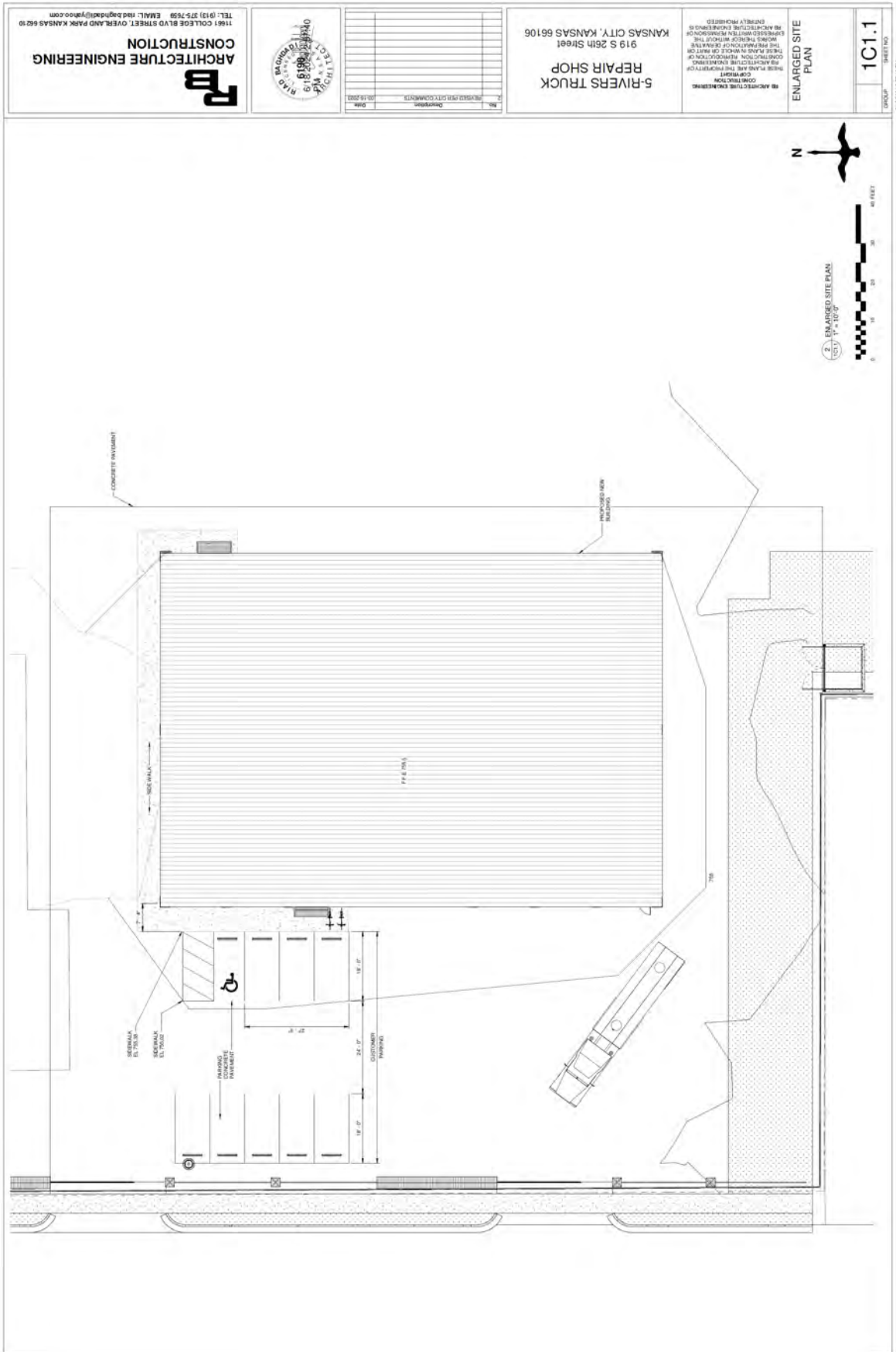
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24th day of June, 2024.

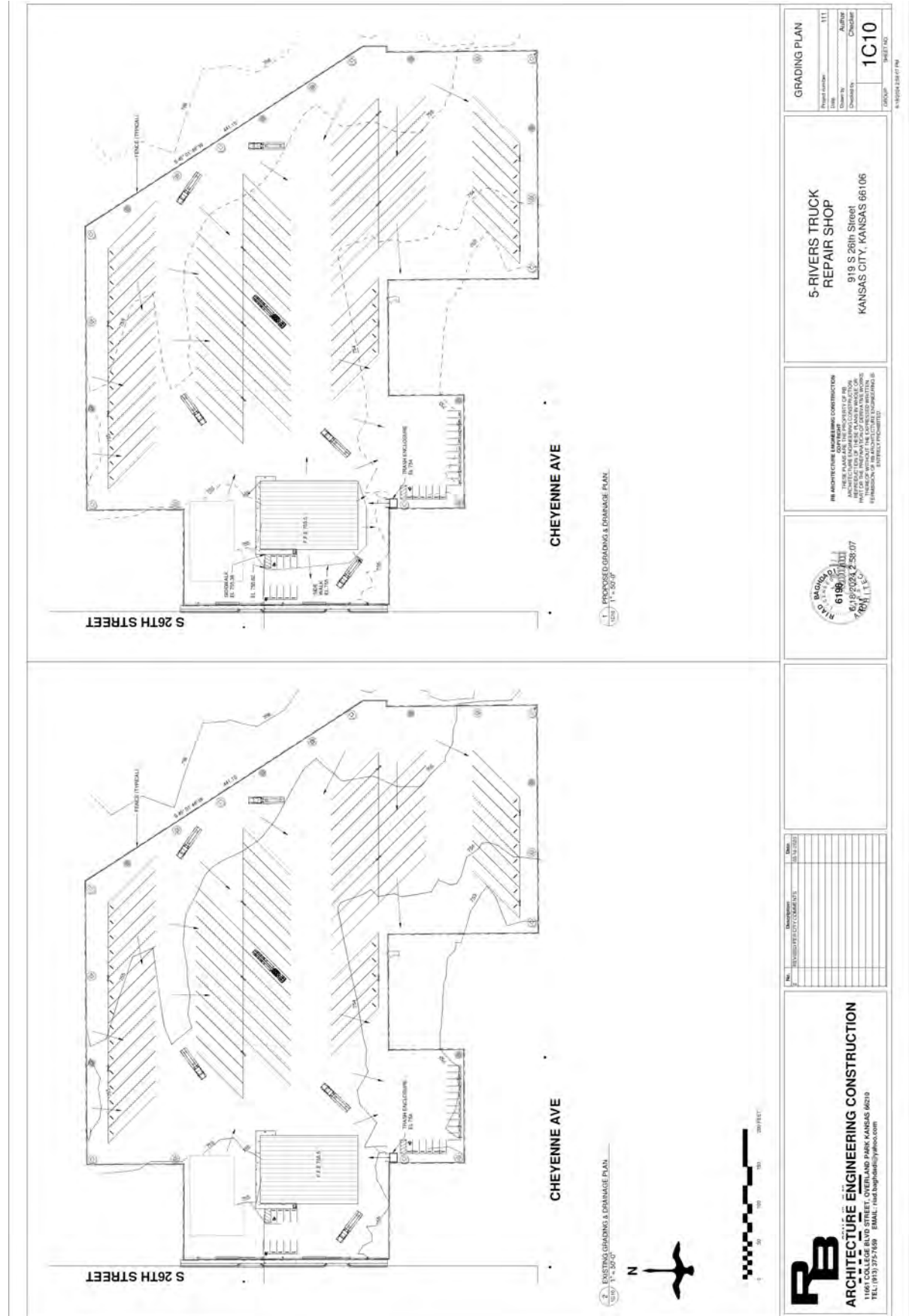
My commission expires 11 of September, 2024.

Edgar Diaz
Notary Public

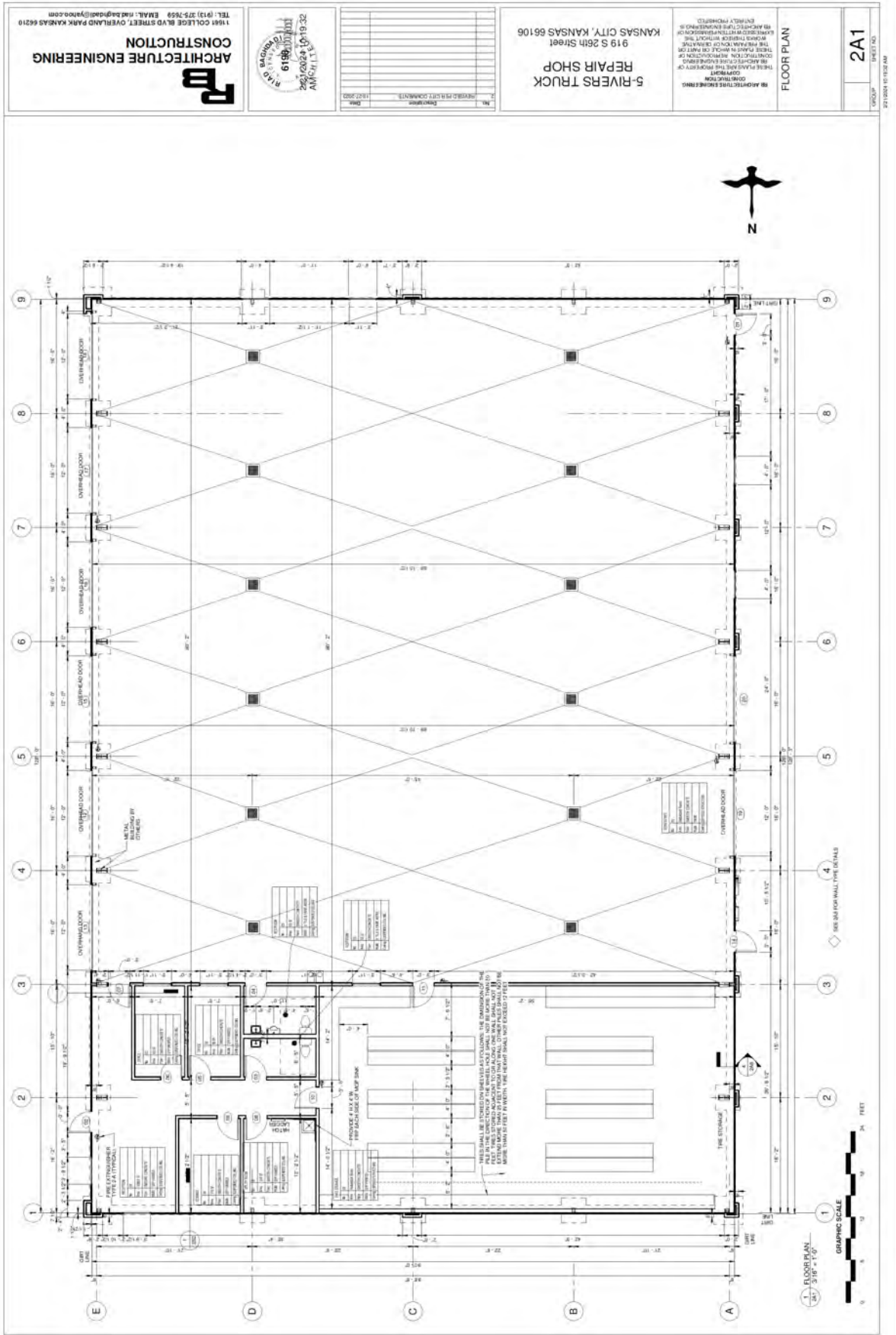


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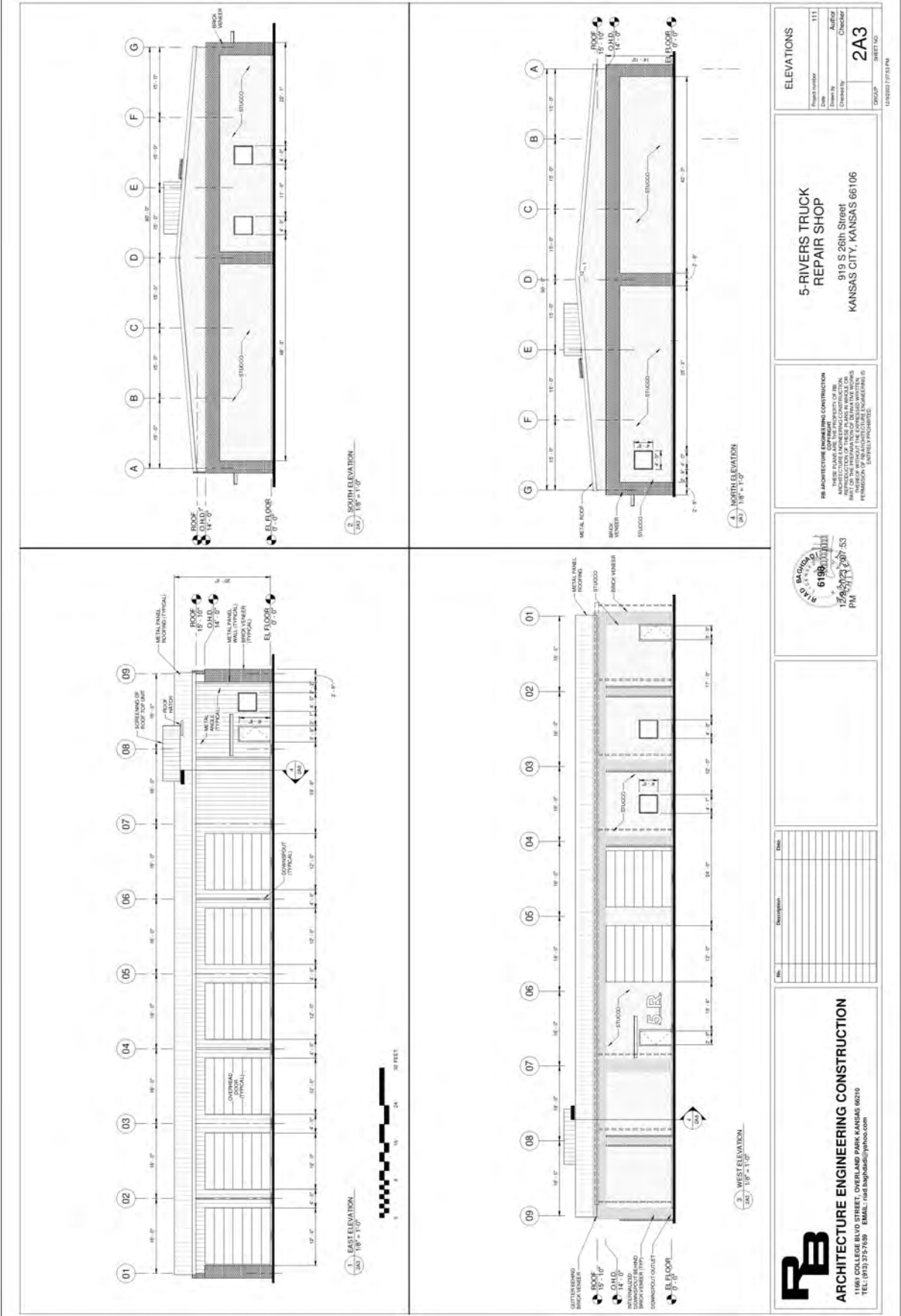




Figure 1. Site Photograph of 919 South 26th Street looking northeast from South 26th Street (provided by Planning Staff).



Figure 2. Site Photograph of 919 South 26th Street looking northeast from South 26th Street (provided by Planning Staff).



Figure 3. Site Photograph of 919 South 26th Street looking east from South 26th Street (provided by Planning Staff).



Figure 4. Site Photograph of 919 South 26th Street looking southeast from South 26th Street (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: July 25, 2024

Re: Special Use Permit Petition SP2024-039

GENERAL INFORMATION

Applicant Information:

Patrick Lamoreux
Owner
49 South 64th Street
Kansas City, KS 66111

Subject Property:

49 South 64th Street
Kansas City, KS 66111

Requested Action and Purpose:

Approval of a Special Use Permit to
operate a home occupation to make
bath products.

Commission Districts:

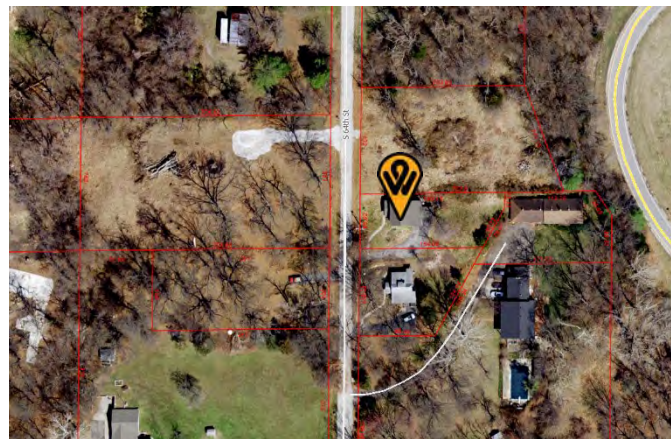
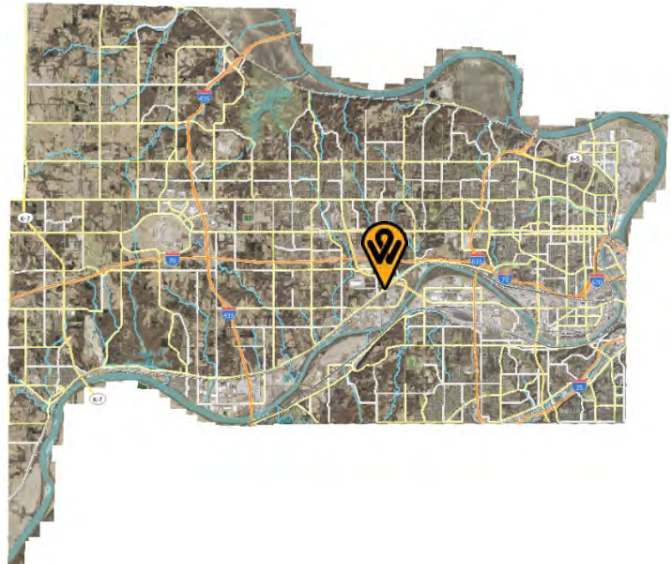
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Philip Lopez

Existing Zoning District(s):

R-1 Single Family District

Comprehensive Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Vacant Lot
South	R-1 Single Family District	Single Family Residence
East	R-1 Single Family District	Single Family Residence
West	R-1 Single Family District	Vacant Lot

Total Tract Size: 0.267 Acre

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as a Business Park which allows for a cohesive district or development that provides a mix of office, research, and light industrial uses. Light industries are small-scale and non-polluting. Other uses may include business/office/research parks and medical facilities with limited retail and service uses. In some cases, these areas located to buffer residential development from more intensive commercial retail development.

Major Street Plan: The goDotte Strategic Mobility Plan designates South 64th Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-454 (e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport”. The subject property two (2) off-street parking spaces.

Landscaping Requirement: Section 27-700 (a) states “one shade tree per dwelling unit is required in the front or corner side yard”. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – June 13, 2024
Letters to Property Owners – June 14, 2024

Public Hearings: July 8, 2024 and July 25, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Patrick Lamoreux, is requesting a Home Occupation Special Use Permit to operate a bath products business at 49 South 64th Street, Kansas City, Kansas, 66111.

City Ordinance Requirements: 27-214, 27-592 through 27-606 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. 2021 – ENV21-1178 – Vehicle violation with no tag.
2. 2018 – 18225-00935 & 18225-03232 – Abatement for overgrown weeds.

Outstanding or Related Permit and Cases:

1. 2019 – 19300-01151 – Building Permit – Kitchen remodel
2. 2019 – 19300-01375 – Building Permit – Miscellaneous electrical work for kitchen remodel.
3. 2019 – 19300-01072 – Building Permit – Plumbing work for kitchen remodel.
4. 2017 – 17990-00475 – Rental License – Terminated in 2018.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Muncie-Stony Point Statistical Neighborhood and is in the Turner Community Connection Neighborhood Business Group. The neighborhood consists of primarily single-family residences. The neighborhood is located to the North of an industrial corridor along Kaw Drive.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1 Single-Family Residential District. The proposed use, which is commercial in nature, is compatible with nearby uses if the property is managed properly.

- 3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?***

The proposed use is suitable for the subject property with a Special Use Permit. While the use is commercial, the business occurs entirely within the residence. The removal of restrictions will not detrimentally affect nearby property.

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

The property is not vacant. The property has been occupied by the current property owner since 2016.

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

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. PlanKCK designates the subject property as Business Park which allows for a cohesive district or development that provides a mix of office, research, and light industrial uses. Light industries are small-scale and non-polluting. Other uses may include business/office/research parks and medical facilities with limited retail and service uses. In some cases, these areas are located to buffer residential development from more intensive commercial retail development. The proposed use conforms to the PlanKCK Comprehensive plan designation.

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

The proposed use does not have the potential to increase vehicular traffic and will not exceed the capacity of South 64th Street, a Local/Neighborhood Street, to accommodate it if managed properly. Impacts to traffic will be limited, as parking will be required to occur off-street only, and customers will not be visiting the subject property.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as it is a private business operated by the applicant. The proposed use will not affect the use, quality, or marketability of nearby property if managed properly, as it occurs entirely within the subject residence.

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

The proposed use, to make bath products, is not expected to have impacts with noise, vibration, dust, or illumination, as the use occurs entirely within the subject residence.

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, permitted residence in an existing suburban 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 to public health, safety and welfare is minimal. If denied, the property owner may not use the property for business and would either be required to find a commercial location or not operate this business. However, they can still use the property to conduct administrative tasks in relation to a business.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet conditions of approval set forth by Staff and the Board of Commissioners.

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

The proposed use is not expected to result in the overcrowding of land or undue concentrations of population because the use occurs entirely within the subject

residence. The applicant has stated that no customers will come to the property, and there will be no outside staff.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Google Meets on June 23, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Production of Inventory

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-039, **for two (2) years**, subject to:

1. **Production, assembly and packaging shall occur within the residence;**
2. **Hours of operation within the home shall conclude by 8:00 PM daily;**
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. **If approved, occupying businesses must file and maintain a current business occupation tax application with this office;**
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. **Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;**
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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 10. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and
 14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all

conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-039** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 8, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Business Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated June 7, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	July 8, 2024 - Approval	July 25, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-039** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-039**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 8, 2024, City Planning Commission Minutes:

Hearing starts at 1:27:24:

SPECIAL USE PERMIT APPLICATION SP2024-039 – PATRICK LEMOREUX - SYNOPSIS: Home Occupation Special Use Permit to produce bath products at 49 South 64th Street. *Detailed Outline of Requested Action:* The applicant, Patrick Lamoreux, is requesting a Home Occupation Special Use Permit to operate a bath products business at 49 South 64th Street, Kansas City, Kansas, 66111.

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 July 8, 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:

- Patrick Lemoreux, applicant, 49 South 64th Street, Kansas City, Kansas 66111

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 1:29:40: Planner Toy stated Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:30:20:

On motion by Ms. Easterwood, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-039 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. Production, assembly and packaging shall occur within the residence;
2. Hours of operation within the home shall conclude by 8:00 PM daily;
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. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
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. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and

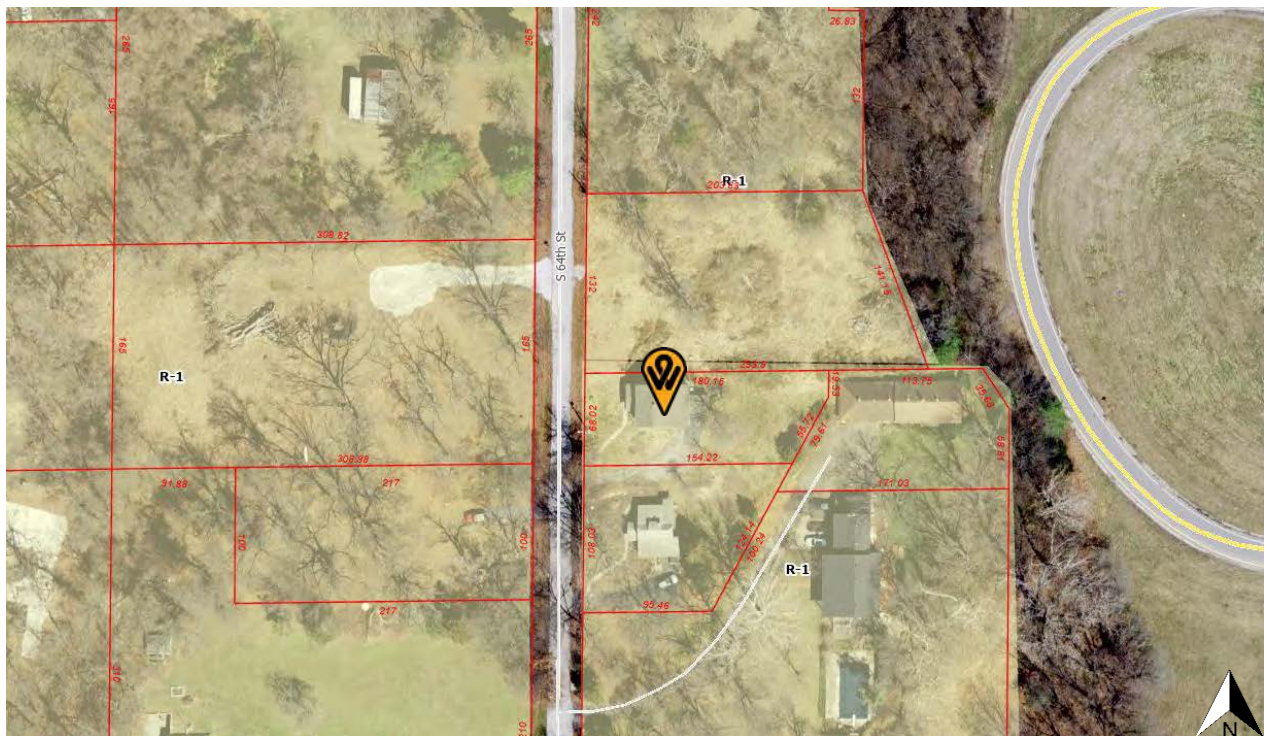
- be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and
 14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

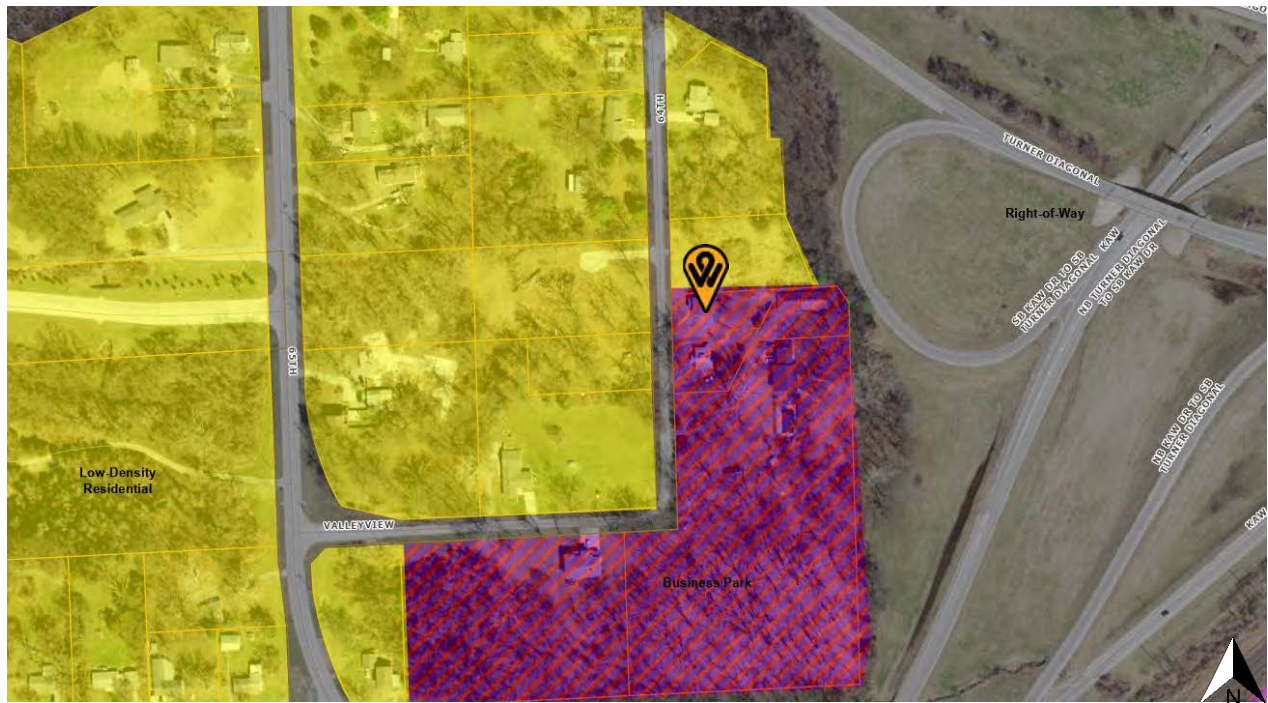
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SOAP-BUSINESS PLAN**Identity**

MCANND manufacturers and sells handmade bath products like soap and bath accoutrement

Problem

People want to buy soap and other bath products that are handcrafted.

Our solution

Our products are made by hand with attention to aesthetics and ingredient choices.

Target market

The target audience is adults.

The competition

Handmade soap and bath products is a very large market with many competitors.

Revenue streams

Will sell directly to customers at fairs/shows (e.g. KCK Farmers Market, Strawberry Swing) and online (eg Etsy).

Marketing activities

MCANND LLC will communicate with customers in person at fairs/shows, via email, social, and through online site(s).

Expenses

- Raw Materials & Packaging
- Fair/Show fees and travel costs
- Internet and Shipping Fees
- Taxes and Permits

Manufacturing Activities

- Soap and other bath products will be made in small batches (<10 lbs) using proper PPE and best practices
- After curing product will be packaged by hand

Storage Activities

- Uncured soap will be cured on racks in a climate controlled area
- Target of less than six months of retail product demand on hand
- Raw materials and packaging will safely stored and organized
- Display and Sales Equipment

Team and key roles

The team is Kelly McDonald and Patrick Lamoreux. Kelly handles all operations. Patrick assists with administrative work

Milestones

Goal to sell:

Y1: \$2,000 sales (~500 bars)
Y2: \$4,000 sales (~1000 bars)
Y3L \$8,000 sales (~2000 bars)

NEIGHBORHOOD MEETING MATERIALS

Neighborhood Meeting Minutes

Application Number: SP2024-039 - 49 SOUTH 64TH STREET

Date and Location: Sunday, June 23rd, 3:00PM - Google Meets

<https://meet.google.com/odz-ecfd-wae>

Meeting called to order at: 3:05PM

Names of people in attendance: Kelly McDonald & Patrick Lamoreux (applicants), no additional participants.

The Google Meets address was open to anyone with the link. We (Kelly & Patrick) signed on at 2:55. No additional minutes were taken. There were no other attendees or questions.

Meeting adjourned at: 3:20PM

Minutes taken by: Kelly McDonald

Additional Questions/Comments

Carol Rasdall emailed Wednesday, June 12th, 4:02PM:

My name is Carol Rasdall and I live up the street from you at 22 So. 64th. I got your letter about the meeting on the 23rd.

I won't be able to attend this meeting but I am interested to know what the special use permit is for. You can e-mail me at; DBLACKWOOD1@kc.rr.com or call me @ 913-287-5420. Thanks.

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wichita) SS:

Comes now Patrick Lamarca and Kelly McDonald, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2024-039
2. That I conducted a neighborhood meeting on 6/23/24 @ 3PM
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.

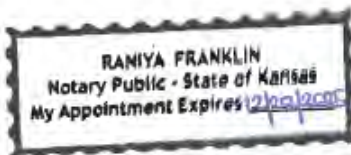
Further affiant saith not.

[Signature]
Affiant

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20 day of June, 2004.

My commission expires 29th of December 2005.



[Signature]
Notary Public, Raniya Franklin





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: July 25, 2024

Re: Special Use Permit Petition SP2024-041

GENERAL INFORMATION

Applicant Information:

Venkatesware Rao Chadawalada
Owner of Legends Liquors
11014 West 163rd Terrace
Overland Park, KS 66221

Subject Property:

9801 Parallel Parkway
Kansas City, KS 66111

Requested Action and Purpose:

Approval of a Special Use Permit to
operate a liquor store.

Commission Districts:

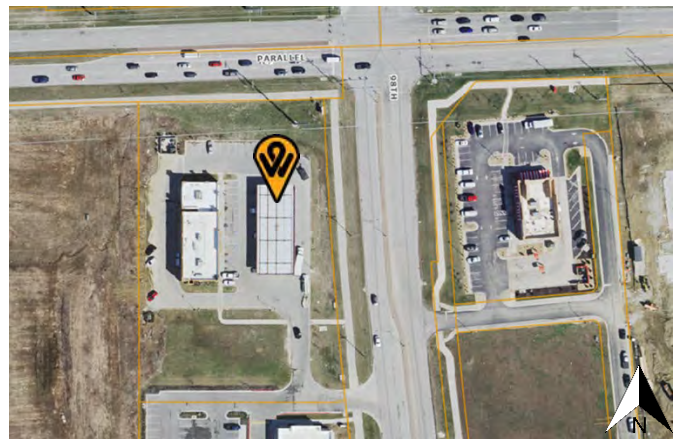
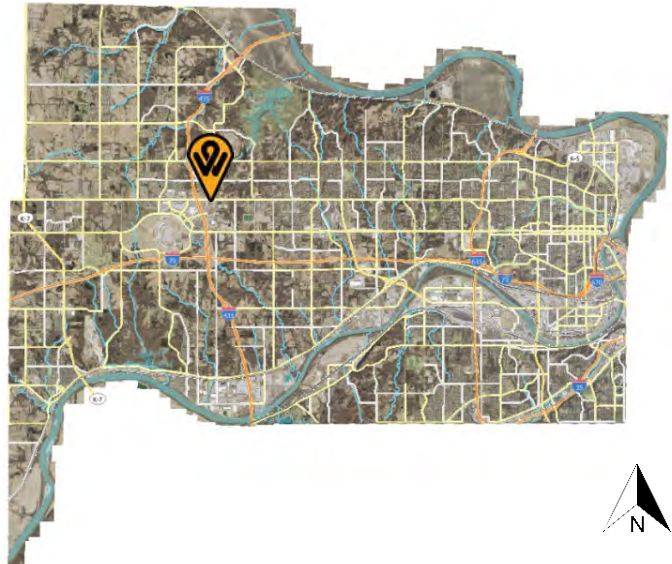
Commissioner At-Large, District #2:
Tom Burroughs
District #7 Commissioner:
Chuck Stites

Existing Zoning District(s):

CP-2 Planned General Business
District

Comprehensive Plan Area:

Prairie Delaware Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	CP-2 Planned General Business District	Car Dealerships
South	CP-2 Planned General Business District	Healthcare Clinic
East	CP-2 Planned General Business District	Drive-Thru Restaurant and Hotel
West	CP-2 Planned General Business District	Vacant Commercial Lot

Total Tract Size: 2.21 Acres

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates the subject property as Planned Mixed Entertainment/ Commercial District. This encourages retail and regional commercial development, which is intended to provide goods and services on a regional scale. Uses typically include anchor big-box stores with accessory commercial pad sites. Typically, more automobile-oriented in nature due to the larger capture area and the prevalence of single-occupancy vehicles in the city and region, these areas should still be designed to support multi-modal connectivity with sidewalks and street trees.

Major Street Plan: The goDotte Mobility Plan designates North 98th Street as a Minor Arterial.

Parking Requirement: Section 27-466(e) states “Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building”. The liquor store contains 1, 607 square feet and the convenience store is comprised of 4,005 square feet for a total of 5,612 square feet, requiring a total of 23 parking spaces. The subject property has 36 parking spaces.

Landscaping Requirement: Section 27-466(g) states “Trees are required to be provided at not less than one (1) per 7,000 square feet of site area”.

Section 57-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent.

The site has 96,089 square feet of area, which requires 24 total trees on site. This does not include street trees of parking lot islands. It appears less than 24 trees are present, thus, requiring additional trees.

Advertisement:

The Wyandotte Echo – June 13, 2024
Letters to Property Owners – June 14, 2024

Public Hearings:

July 8, 2024 and July 25, 2024

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Venkateswara Rao Chadawada, is requesting a Special Use Permit to operate a liquor store at 9801 Parallel Parkway. This use had previously received a Special Use Permit (SP-2019-51), however, that permit expired in July 2021.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. 2024 – Case ENV24-0856 – Damaged fence and scattered trash (open, reinspection scheduled).
2. 2024 – Case ENV24-0005 – Loose trash throughout property (closed).
3. 2022 – Case ENV22-0858 – Trash and debris throughout the entire property (closed).
4. 2022 – Case CAC22-0975 – Citation billed to taxes for delay in citation payment (closed).
5. 2021 – Case ENV21-2465 – Trash and debris dispersed throughout the property (closed).
6. 2021 – CMP21-0965 – Trash and Debris (closed).

7. 2018 – Zoning 18216-00040 – Double banner sign, detached, did not meet spacing and setback requirements.
8. 2017 – Case 17395-00150 – Stop Work Order for Brickwork on Gas Canopy without Permit (closed).

Outstanding or Related Permits and Cases:

1. 2024 – PR2024-011 – Final Development Plan – EV Chargers on property
2. 2016 – DRC 16300-00811 – Construction of a new convenience store Incomplete – No CO Issued – Last Failed Inspection in 2023
3. 2020 – DRC 20300-00496 – Expansion of C-Store for liquor store addition – Completed/CO Issued.

Previous Planning Actions:

1. Approval of a Final Development Plan (PR-2020-25) in 2020 for a liquor store.
2. Approval of a Special Use Permit (SP2019-051) in 2019 for Liquor Sales for two (2) years, which expired in July 2021.
3. Approval of a Variance (BZA 2323) in 2019 for a liquor store within 1300 feet of an established church.
4. Approval of a Preliminary and Final Development Plan (PR-2016-8) to construct a new gas station and c-store.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood and the Leavenworth Road Association (LRA) group. The character of the neighborhood is predominantly commercial. To the West lies I-435 with several commercial developments as part of the STAR bond entertainment district The Legends. To the east it transitions to primarily large rural homestead with single family residences and agricultural open space. The Homefield Development has some substantial property growth south and east of the subject property as this is a transitional suburban to commercial neighborhood.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the CP-2 Planned General Business District, with a variety of commercial uses surrounding, including restaurants, athletic facilities, car dealerships, and a hotel. There is also a church within 1,300 feet of the property. The property was granted a variance to operate a liquor store within this 1,300-foot buffer. Otherwise, the proposed use is expected to be compatible with nearby uses.

3. *The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?*

The subject property is currently a multi-tenant commercial building. As the footprint of the building would not change, and the spatial and physical demands of a liquor store are similar to other commercial uses, including the adjoining convenience store, the proposed use is physically suitable for the subject property. A well-maintained liquor store may not have a detrimental effect on nearby properties but given the location of the subject property and the proximity to susceptible uses in the area, which requires a variance, the removal of the restrictions on subject property that a Special Use Permit would bring may indeed have a detrimental effect. The property, however, has previously been granted a variance to be within 1,300 feet of the church.

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

The property is not vacant and has been used as a liquor store since 2021.

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

Special Use Permits are not addressed in the Prairie Delaware Piper Area Plan. The Prairie Delaware Piper Area Plan designates the subject property as Planned Mixed Entertainment/ Commercial District. This encourages retail and regional commercial development, which is intended to provide goods and services on a regional scale. Uses typically include anchor big-box stores with accessory commercial pad sites. The proposed use 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 is not expected to lead to an increase in vehicular traffic. Any increase is not expected to exceed the capacity of Parallel Parkway, a Major Arterial, or North 98th Street, a Major Collector to accommodate it if managed properly.

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.*

A liquor store is not reasonably necessary for the convenience and welfare of the public. The reuse of the existing building and tenant space with a new use would have less of an effect on neighboring properties than a new building that meets modern setbacks would, but the conversion of use from the previous commercial uses to a liquor store may still substantially or 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.***

There is not necessarily more noise produced by a liquor store than by a different commercial tenant, but the hours of operation of a liquor store tend to skew later than that of other traditional retail. Any new lighting added to the building must be pointed downward at a 90-degree angle and covered.

- 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 commercial property.

- 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, permitted commercial building in an existing, 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 to public health, safety and welfare is minimal. If denied, the property owner may not use the property for a liquor store, however, they can still use the property for a variety of commercial purposes.

- 12. *The applicant's ability to maintain the use in an "as proposed" condition.***

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval, aside from not renewing within a reasonable timeframe. The property overall, however, still has items that have not been addressed as part of previous permits and approvals.

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

The proposed use is not expected to result in the overcrowding or land or undue concentrations of population as long as conditions of approval and occupancy limits are adhered to.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on June 24, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Expired Special Use Permit
Incomplete Building Permits
Transformer Screening
Unpermitted Signage

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-041, **for one (1) year**, subject to:

1. The transformer pad on the western portion of the site should be updated to meet applicable commercial design guidelines including landscaping and screening. BPU may have additional requirements regarding spacing of landscape material and this should be reflected as a detail on the plans. Revise and resubmit to include these revisions;
2. The pedestrian crosswalks throughout the subject property must be repainted;
3. 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;
4. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. Any business in Wyandotte County that is required to obtain any Special

Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
12. The Special Use Permit shall be valid for 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;
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-041** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 8, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Floor Plan
Elevations
Site Photos, Taken by Staff, Dated June 7, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	July 8, 2024 - Approval	July 25, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-041** 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 **SP2024-041**, 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.

July 8, 2024, City Planning Commission Minutes:

Hearing starts at 1:32:29:

SPECIAL USE PERMIT APPLICATION SP2024-041 – VENKATESWARA

CHADALAWADA - SYNOPSIS: Special Use Permit to operate a liquor store at 9801 Parallel Parkway. Detailed Outline of Requested Action: The applicant, Venkateswara Rao Chadawalada, is requesting a Special Use Permit to operate a liquor store at 9801 Parallel Parkway. This use had previously received a Special Use Permit (SP-2019-51), however, that permit expired in July 2021.

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 July 8, 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:

- Chadawalada Venkateswara, applicant, 9801 Parallel Parkway, Kansas City, Kansas
- David Anderson, 9152 Shorewood Drive, DeSota, Kansas

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 1:36:50: Planner Molloy stated that the request is for a Special Use Permit for a liquor store. The original Special Use Permit (SP2019-051) expired in the middle of 2021. Once the Applicant became aware that his permit had expired, he filed his application. As part of the Staff's review, the Applicant was required to remove unpermitted signs on the building, which he has completed. Staff recommends approval subject to the conditions in the staff report.

Chairman Carson addressed questions to Staff.

Motion starts at 1:38:49:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-041 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

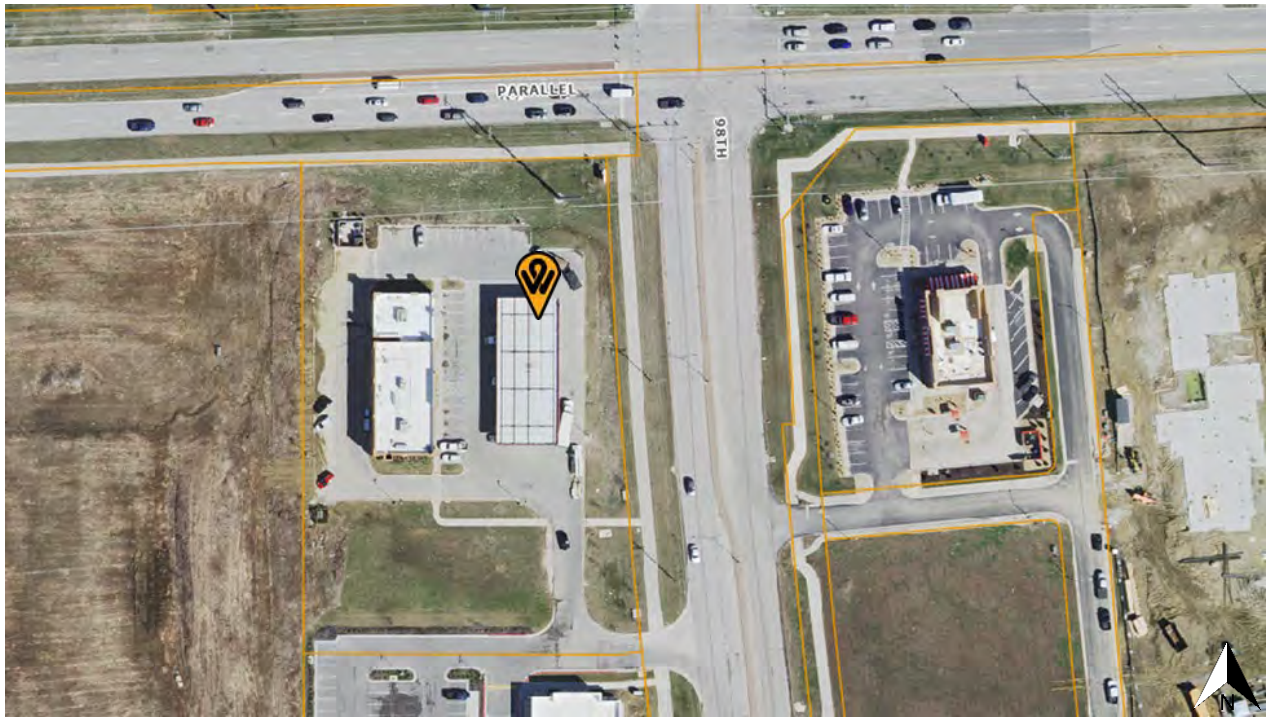
1. The transformer pad on the western portion of the site should be updated to meet applicable commercial design guidelines including landscaping and screening. BPU may have additional requirements regarding spacing of landscape material and this should be reflected as a detail on the plans. Revise and resubmit to include these revisions;
2. The pedestrian crosswalks throughout the subject property must be repainted;
3. 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;
4. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. A Right-of-Way Permit is required. The applicant is required to contact the

Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;

9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
12. The Special Use Permit shall be valid for 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;
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF Johnson) SS:

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

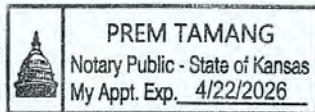
1. That I am the petitioner for Petition # SP2024-041
2. That I conducted a neighborhood meeting on 06/24/2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Venkateswara Rao Ch
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of JUNE, 2024

My commission expires 22nd of APRIL, 2026



[Signature]
Notary Public

6-25-24

Minutes of Neighborhood Meeting

Application Number: SUP2024-041

Date of meeting 6-24-24

Place: Google Meet joining info

Video call link: <https://meet.google.com/eof-mrdm-kct>

Monday, June 24 - 6:00 – 6:30pm

Time zone: America/Chicago

Meeting called to order at 6pm

Attending was David Anderson and Rao Chadawada. No one else joined the call.

Meeting adjourned at 6:20pm

Minutes by David Anderson

Date: 06/06/2024

VENKATESWARA CHADALAWADA

11014 W 163RD TER

OVERLAND PARK, KS 66221

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department

SP2024-041.

The purpose of this: is for a renewal of special use permit for the liquor store at the following address:

9801 Parallel PKWY

Kansas City, KS 66109

I am having a neighborhood meeting on June 24th, 2024, at 6:00 p.m. at the following address Zoom/Teams link: meet.google.com/eof-mrdm-kct

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

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

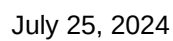
Sincerely,

David R Anderson, Consultant

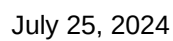
Davidranderson74@gmail.com

913-223-9878

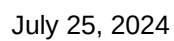
SP2024-041



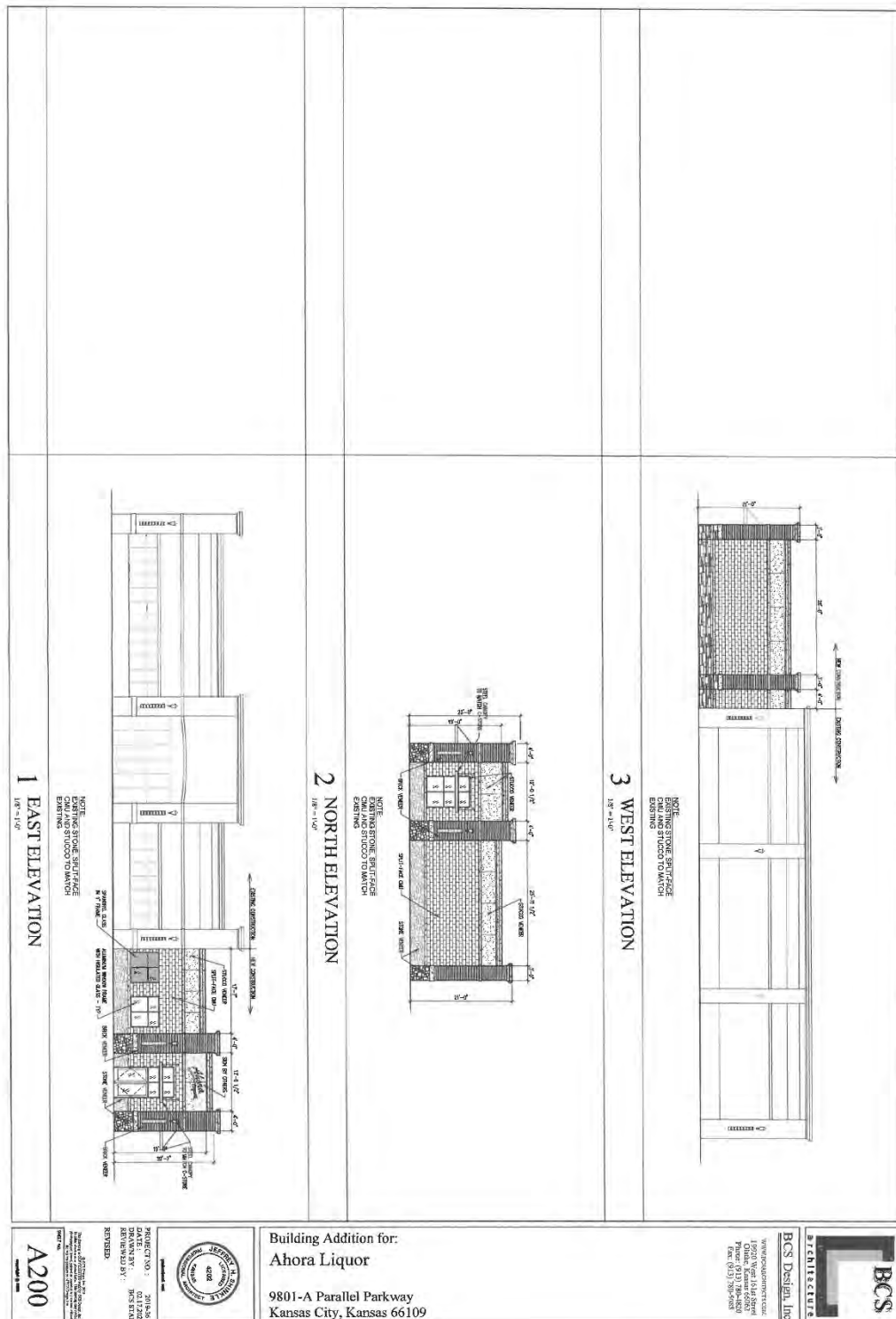
SP2024-041



SP2024-041



ELEVATIONS



SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 11, 2024





(Summary Published _____)

ORDINANCE NO. _____

AN ORDINANCE SETTING THE PERMISSIBLE TIME AND PLACE FOR MOBILE VENDING VEHICLES AND FOR THEIR OPERATION WITHIN PRIVATE PROPERTY

WHEREAS, regulating mobile vending within private property is a goal of the Department of Planning and Urban Design;

WHEREAS, the Streets for People Ordinances were passed in 2020, which regulated mobile vending;

WHEREAS, after hearing concerns from the public and from business owners regarding mobile vending, updates to the current ordinances are needed; and,

WHEREAS, changes in hours of operations for private mobile vending will help business owners and residents living near the operations of mobile vendors;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That original Section 27-620 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and the same is hereby amended to read as follows:

Sec. 27-620. – Mobile Vending – Private Property.

This section is for mobile vending on private property. For mobile vending on public right-of-way, see section 32-188.

(1) Administrative review.

- a. Any persons or entity operating a mobile vendor vehicle or prepared food vending vehicle must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. The business license can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted.
- b. Operators must have written permission from the property owner(s) or their designee(s) to operate on site. The operator must make said written permission available to any enforcement officer upon request.
- c. Mobile vendors must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license, and fire department inspection and approval.

d. Mobile vendor vehicles or prepared food vending vehicles may operate from 8:00 a.m. until 11:00 p.m. ~~—7:00 p.m.—~~ Sunday through Thursday and 8:00 a.m. until 12:00 midnight ~~8:00 p.m.—~~ Friday and Saturday.

(2) *Allowed areas.*

a. Mobile vending is allowed within the boundaries of a designated property of any non-residential zoning district upon obtaining a business license or non-profit status as addressed in section 27-617.

b. All mobile vendor vehicles and prepared food vending vehicles must comply with the following conditions:

1. The vehicle must be parked on a an improved, paved surface.
2. The vehicle is not parked in a designated ADA parking space or in an access aisle.
3. The vehicle is not parked in a no-parking zone.
4. No mobile vendor vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
5. Mobile vendor vehicles may not park for more than ~~four~~ eight hours per day, run consecutively, at any one site.
6. Mobile vending vehicles shall not park in an electrical charging station unless it is an electrical vehicle actively charging.

c. Mobile vending activity includes the use of the mobile vending vehicles, areas for queueing, vending, and eating, signage, and trash and recycling receptacles. All mobile market activity must comply with the following conditions:

1. All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian pathway remains ADA-compliant.
2. Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.
3. All fire lanes must remain clear and unencumbered.
4. There is sufficient stacking area for pedestrians to queue on a sidewalk or on site.
5. Proper trash and recycling receptacles must be made available and utilized. The operator is responsible for removing the trash and recycling associated with the operation of the mobile market. Any and all signage, temporary or other structures, and other elements of the mobile market must be removed at the end of each mobile market event.

d. Unless otherwise provided by this section, operation of a mobile market in the public right-of-way shall be subject to section 32-188.

(3) *Temporary structures.*

a. No permanent structure or improvement shall be installed.

b. No temporary structure may be secured in any manner that damages public or private property. Weights are encouraged to be used to secure temporary structures.

c. No mobile vendor vehicle or prepared food vending vehicle, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone and/or fire lane.

(4) *Signage.*

a. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.

1. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.

2. Signs cannot be attached to public infrastructure or facilities.

3. Mobile vending vehicles shall not operate lights or signs with a rotating beam or flashing beacon, and no lighting or signage shall be directed toward any residentially zoned area or traffic in the right-of-way.

b. Exceptions. The following exceptions from the sign code are allowed:

1. One sandwich board in connection with the mobile vendor activity is allowed within five feet of the mobile vendor vehicle. The sign shall not interfere with the flow of pedestrian or automobile traffic.

2. There is no limit on the number of temporary signs nor the total square feet of sign face allowed on the mobile vendor vehicle.

i. All signage must be attached flush to the side of the vehicle.

ii. No temporary sign may extend beyond the top of the vehicle.

iii. All attached signage must be removed before the vehicle is driven off the property.

Section 2. That said original Section 27-620 be and the same are hereby repealed.

Section 3. If any provision of this Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provisions or application and to this end the provisions of this Ordinance are declared to be severable.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and a summary published in the official Unified Government newspaper.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF**

WYANDOTTE COUNTY/KANSAS CITY KANSAS

THIS _____ DAY OF _____, 2024.

APPROVED:

Tyrone A. Garner
Mayor/CEO

Attest:

Unified Government Clerk

Approved as to form:

Chief Counsel

Mobile Vending Ordinance

PRIVATE PROPERTY MOBILE VENDING PROPOSED UPDATES



Community and Business Concerns

Resident Concerns

- Recent enforcement actions began after complaints by residents in neighborhoods with high concentrations of mobile vending.
- Resident concerns included:
 - Trash;
 - Noise;
 - Distance from mobile vending to homes and residences.

Mobile Vendor Concerns

- Mobile vendors have expressed concerns regarding operating hours in the current ordinances.

Food Establishment Concerns

- Brick and Mortar food establishments have brought concerns regarding mobile vendors parking close to their businesses.



Recent changes to public right-of-way ordinance

On May 30, 2024 the Full Commission voted to change the public right-of-way ordinance:

- Hours for public right-of-way mobile vending (on the street).
 - Sunday through Thursday 8:00 a.m. until 11:00 p.m.
 - Friday and Saturday 8:00 a.m. until 12:00 midnight.
- Length of time mobile vendors can operate in one location.
 - Extended to 8 hours in one location
- Signs and lighting restrictions.
- Further parking restrictions.



Private property proposal mirrors changes to public right-of-way updates

- To keep policies consistent, as well as simplifying enforcement, the proposed changes to private property mobile vending mirror those the Full Commission passed for public right-of-way mobile vending.

Current Ordinances

- **PRIVATE PROPERTY
Chapter 27**

- Mobile Vending on private property contained in Sec. 27-620.
- Hours of operation:
 - 8:00 a.m. – 7:00 p.m. Sunday through Thursday;
 - 8:00 a.m. – 8:00 p.m. Friday and Saturday.
- A mobile vending vehicle can park at one site for four hours.

- **PRIVATE PROPERTY
Chapter 27**

- Mobile Vendors are required to provide trash and recycling receptacles.



Proposed Updates

- Hours for private property mobile vending.
 - Sunday through Thursday 8:00 a.m. until 11:00 p.m.
 - Friday and Saturday 8:00 a.m. until 12:00 midnight.
- Length of time mobile vendors can operate in one location.
 - 8 hours in one location

Light and sign restrictions

- Mobile vending vehicles shall not operate lights or signs with a rotating beam or flashing beacon, and no lighting or signage shall be directed toward any residentially zoned area or traffic in the right-of-way.



Proposed updates continued

- **Parking restrictions:**

- Mobile vending vehicles shall not park in an electrical charging station unless it is an electrical vehicle actively charging.
- Mobile vending vehicles are not allowed to take up space or interfere with a fire lane.

- **Zoning**

- Only allowed to vend in non-residential zoning district.

- **Fire inspection and approval**

- Must display fire department inspection and approval.



Noise Disturbances

- Noise Disturbance ordinance Sec. 22-128.
- Currently has ban on noise from electronic devices or vehicles crossing over property boundary lines in a residential area. (No time restrictions).
- Currently has ban on continual noise that would disturb the comfort or peace of a reasonable person residing in the area. (No time restrictions).



(First published _____)

COZ2024-004

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3612 Emmons Drive, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) 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 February 20, 2024, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) 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:

EMMONS SUB, S25, T10, R24, ACRES 7.09, L5 & PT L4: BEG NW
COR; S 118.5FT, S64E-225.6FT, E 158FT TO E LN, N43E-190FT,
N49W-118.5FT, W 405FT TO POB, located at approximately 3612
Emmons Drive, Kansas City, Kansas,

be changed from its present zoning of R-1(B) 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 _____)

COZ2024-008

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4140 North 60th 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 February 26, 2024, 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:

Morrison's Subdivision, S22, T10, R24, acres 4.7, Lot 4, less the East 20' and West 20', located at approximately 4140 North 60th 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 _____)

COZ2024-009

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3354-3356 North 60th Terrace, 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 March 4, 2024, 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:

BRENNER HEIGHTS & 0326, S27, T10, R24, ACRES 0.290000, E 130FT
OF S 101FT B21, located at approximately 3354-3356 North 60th Street,
Kansas City, Kansas,

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 _____)

SP2024-020

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 SP2024-020, commonly known as 8205 and 8251R Kaw Drive and 2103 South 84th Street, Kansas City, Kansas, legally described as:

A tract of land in the South One half of Section 29, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas. Being more particularly described as follows. Beginning at the Northwest corner of the Southeast Quarter of said Section 29; Thence South 03° 04' 34" East, 697.11 feet on the West line of said Southeast Quarter; Thence North 87° 48' 10" East, 420.72 feet to the beginning of a curve concave to the Northwest having a radius of 200.00 feet; Thence Northeasterly on said curve to the left, an arc distance of 184.72 feet, said curve having a chord bearing of North 61° 20' 35" East, and a chord distance of 178.23 feet; Thence North 34° 53' 00" East, 774.06 feet to a point on the North line of said Southeast Quarter; Thence North 87° 48' 25" East, 531.10 feet, on said North line, to the left bank of the Kansas River; Thence South 21° 32' 37" West, 400.00 feet on the meanders of the left bank of the Kansas River; Thence South 24° 03' 58" West, 350.00 feet continuing on the meanders of said left bank; Thence South 24° 39' 31" West, 300.00 feet continuing on the meanders of said left bank; Thence South 22° 51' 11" West, 430.00 feet continuing on the meanders of said left bank; Thence South 23° 37' 20" West, 300.00 feet continuing on the meanders of said left bank; Thence South 23° 42' 24" West, 650.00 feet continuing on the meanders of said left bank; Thence South 28° 28' 20" West, 200.00 feet continuing on the meanders of said left bank; Thence South 30° 26' 40" West, 200.00 feet continuing on the meanders of said left bank; Thence South 35° 36' 01" West, 200.00 feet continuing on the meanders of said left bank; Thence South 42° 51' 34" West,

232.25 feet, continuing on the meanders of said left bank, to a point on the West line of the Southeast Quarter extended South to the left bank of the Kansas River; Thence South 42° 01' 16" West, 200.00 feet continuing on the meanders of said left bank; Thence South 59° 50' 28" West, 200.00 feet continuing on the meanders of said left bank; Thence South 65° 08' 45" West, 200.00 feet continuing on the meanders of said left bank; Thence South 53° 27' 32" West, 200.00 feet continuing on the meanders of said left bank; Thence South 47° 59' 38" West, 200.00 feet continuing on the meanders of said left bank; Thence South 44° 35' 44" West, 200.00 feet continuing on the meanders of said left bank; Thence South 43° 36' 15" West, 200.00 feet continuing on the meanders of said left bank; Thence South 42° 02' 09" West, 200.00 feet continuing on the meanders of said left bank; Thence South 41° 24' 42" West, 114.27 feet, continuing on the meanders of said left bank, to a point on the West line, of the East One-Half, of the Southwest Quarter of said Section 29 extended South to the left bank of the Kansas River; Thence North 02° 45' 49" West, 3,570.38 feet, on said West line, to the Southerly Right of way line of the Union Pacific Railroad Right of Way; Thence Northeasterly an arc distance of 555.73 feet, on said Right of Way line, on a non-tangent curve concave to the Northwest having a radius of 3,064.93 feet, said curve having a chord bearing of North 56° 40' 34" East with a chord distance of 554.97 feet; Thence North 51° 28' 55" East, 93.14 feet, to a point on the North line of said Southwest Quarter of Section 29; Thence North 87° 48' 25" East, 768.48 feet, on said North line, to the POINT OF BEGINNING of the tract herein described. Subject tract contains 6,284,356 square feet or 144.2690 Acres more or less. Located at approximately 8205 and 8251R Kaw Drive and 2103 South 84th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of extracting material/fill with State approved rubble and recycling and adding the production and stockpiling of sand.

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. It shall be noted that the operator, Kaw Valley Companies obtained two (2) Special Use Permits for their respective properties in 2008 (SP-2008-30) and 2019 (SP-2019-67 and SP-2019-72). Since 2019, the excavation and fill operation on the north side of the Kansas River (Kaw Drive and Gibbs Road) has expanded beyond the boundary, violating their 2008 and 2019**

approvals as indicated by the orange boundary on page 15 in the Attachments (Figure 4).

These Special Use Permits are tied together to keep them on the same approval timeline, but will be voted upon separately;

2. No archeological resources have hereunto been discovered. If in the course of work allowed under these environs review archeological resources are discovered, applicants must contact the Planning and Urban Design Staff to arrange specific preservation and mitigation measures. Contact the Planning and Urban Design Department at 913-573-5750 and/or planninginfo@wycokck.org for assistance. If archeological resources are found refer to the National Park Service National Register Bulletin 36 for more information
<https://www.nps.gov/subjects/nationalregister/upload/NRB36-Complete.pdf>;
3. 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;
4. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one (1) percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
5. Maintain the existing tree stand along the Kansas River;
6. Maintain a 60-foot buffer on either side of Little Turkey Creek for stream preservation;
7. Upon completion of operations of both sites, the sites will be reclaimed to green space;
8. Hours of operation shall be from 7:00 AM to 3:00 PM, Monday through Friday;
9. Employees shall park their personal vehicles on site;
10. Keep ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property;
11. Will restrooms be provided for construction works, as work trucks will be parked in the vicinity;

12. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto South 78th Street;
13. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. 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;
16. 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;
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. 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;
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. Subject to approval, the Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 _____)

SP2024-022

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 SP2024-022, commonly known as 2400 South 78th Street, Kansas City, Kansas, legally described as:

A tract of land in the Southeast Quarter of Section 29 and Northeast Quarter of Section 32, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas. Being more particularly described as follows. Commencing at the Northeast corner of the Northeast Quarter of said Section 32; Thence South 01°29'52" East, 235.00 feet on the East line of said Northeast Quarter, to the POINT OF BEGINNING; Thence continuing South 01°29'52" East, 425.00 feet, on the East line of said Northeast Quarter; Thence South 88°45'08" West, 1732.98 feet, parallel to the North line of said Northeast Quarter, to a point of the right bank of the Kansas River, Thence North 39°36'17" East, 190.69 feet, along the meandering of said right bank; Thence North 38°49'39" East, 193.39 feet, continuing along the meandering said right bank; Thence North 24°32'56" East, 586.83 feet, still continuing along the meandering said right bank; Thence South 82°33'01" East, 573.01 feet, departing from the said right bank; Thence South 66°10'05" East, 728.80 feet to the said East line of the Northeast Quarter and the POINT OF BEGINNING, of the tract herein described, Less a 100.00 foot strip of land deeded to the Kansas City Suburban Water Company recorded in Book 1592 at Page 25, and now owned by the Johnson County Water District No. 1, and subject to the South 30.00 feet and the East 20.00 feet now being used for road purposes. Subject tract contains two parcels. The west parcel has 241,764 square feet or 5.5501 acres and the East Parcel has 611,617 square feet or 14.0408 acres. The total of the two parcels together is 853,381 square feet or 19.5909 acres. Located at

approximately 2400 South 78th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a sand plant and dredging operation and adding the production and stockpiling of sand.

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. It shall be noted that the operator, Kaw Valley Companies obtained two (2) Special Use Permits for their respective properties in 2008 (SP-2008-30) and 2019 (SP-2019-67 and SP-2019-72). Since 2019, the excavation and fill operation on the north side of the Kansas River (Kaw Drive and Gibbs Road) has expanded beyond the boundary, violating their 2008 and 2019 approvals as indicated by the orange boundary on page 15 in the Attachments (Figure 4).

These Special Use Permits are tied together to keep them on the same approval timeline, but will be voted upon separately;

2. No archeological resources have hereunto been discovered. If in the course of work allowed under these environs review archeological resources are discovered, applicants must contact the Planning and Urban Design Staff to arrange specific preservation and mitigation measures. Contact the Planning and Urban Design Department at 913-573-5750 and/or planninginfo@wycokck.org for assistance. If archeological resources are found refer to the National Park Service National Register Bulletin 36 for more information <https://www.nps.gov/subjects/nationalregister/upload/NRB36-Complete.pdf>;
3. 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;
4. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one (1) percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:

- a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
5. Maintain the existing tree stand along the Kansas River;
6. Maintain a 60-foot buffer on either side of Little Turkey Creek for stream preservation;
7. Upon completion of operations of both sites, the sites will be reclaimed to green space;
8. Hours of operation shall be from 7:00 AM to 3:00 PM, Monday through Friday;
9. Employees shall park their personal vehicles on site;
10. Keep ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property;
11. Will restrooms be provided for construction works, as work trucks will be parked in the vicinity;
12. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto South 78th Street;
13. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. 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;
16. 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;
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. 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;
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. Subject to approval, the Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 _____)

SP2024-026

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 SP2024-026, commonly known as 403 North 5th Street, Kansas City, Kansas, legally described as:

Lots 69 and 70, except the East 47 feet thereof, in Block 5, CONNELLY ADDITION OF WYANDOTTE CITY, now in and part of Kansas City, Wyandotte County, Kansas, located at approximately 403 North 5th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a drinking establishment with live entertainment.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **All entertainment must cease by at least 1:00 AM;**
2. **Doors and windows must stay closed during any entertainment performance;**
3. **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;
4. An I.D. scanner will be used at all times;
5. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
6. No amplified speakers or entertainment is allowed in outdoor spaces; and,
7. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
8. 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;
9. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 4,400 square feet, requiring one (1) tree be provided on the site plan;
10. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
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. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division.

Their office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

20. The Special Use Permit shall be valid for (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 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 _____)

SP2024-029

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 SP2024-029, commonly known as 4443 Eaton Street, Kansas City, Kansas, legally described as:

SPRING VALLEY ADD & 0968, S35, T11, R25, ACRES 0.260000, L117 & L118,
located at approximately 4443 Eaton Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. The applicant shall repair and/or repave the concrete sidewalk in front of the property;
2. The applicant shall repair and/or repave the concrete walkway to the front door;
3. The applicant shall repave the driveway. The driveway behind the apron can be concrete or asphalt;
4. Maximum number of guests shall be 7;

5. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
7. 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;
8. Applicant is to maintain liability insurance;
9. The property must remain in proper maintenance and free of hazards, pests, or infestations;
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
11. 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);
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. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative

citations;

18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. The Special Use Permit shall be valid for 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;
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 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 _____)

SP2024-024

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 SP2024-024, commonly known as 3900 Rainbow Boulevard, Kansas City, Kansas, legally described as:

39 Rainbow II, Lot 1, located at approximately 3900 Rainbow Boulevard, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of live entertainment in conjunction with Tanner's Bar and Grill.

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 aforementioned window and door wraps found at the main entrances must be removed or altered to take up no more than 25% of the window/doors, as per the sign ordinance;**
2. **All entertainment must cease by at least 1:00 AM;**
3. **Doors and windows must stay closed during any entertainment performance;**

4. **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;**
5. **No amplified speakers or entertainment is allowed in outdoor spaces;**
6. **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
7. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
8. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
9. **If approved, occupying businesses must file and maintain a current business occupation tax application with this office;**
10. **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;**
11. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
12. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
13. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle**

storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

14. 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
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 _____)

SP2024-030

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 SP2024-030, commonly known as 5510 Kansas Avenue, Kansas City, Kansas, legally described as:

Tract I: A tract of land in the Southeast Quarter of Section 14, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter of said Section 14, thence North 446.30 feet along the East line of the Southeast Quarter of said Section 14; thence West 57.94 feet, at right angles to said East line, to a point on the West right-of-way line of 55th Street, as now established, said point also being the True Point of Beginning; thence West 442.06 feet; thence North 126.874 feet, thence East 450.81 feet to a point on the West right-of-way line of said 55th Street; thence South 3 degrees 56 minutes 37 seconds West 127.17 feet, along said West right-of-way line, to the True Point of Beginning of the tract herein described, except as to all minerals reserved upon the terms and provisions of Quit Claim Deeds from The Atchison, Topeka and Santa Fe Railway Company recorded February 11, 1963, as Document No. 652407 in Book 1827 at Page 571 and recorded January 29, 1965, as Document No. 680649 in Book 1942 at Page 393 and in Statement of Claims recorded May 22, 1986, as Document No. 1008193 in Book 3140 at Page 732.

Tract II: A tract of land in the Southeast Quarter of Section 14, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Beginning at a point on the South line of the Southeast Quarter of the Southeast Quarter of said

Section 14, 74 feet West of the Southeast corner of said Quarter Quarter Section; thence North 212.78 feet; thence North 3 degrees 56 minutes 37 seconds East, a distance of 233.79 feet to a point 446.30 feet North of and 57.94 feet West of said Southeast corner of said Quarter Quarter Section; then West a distance of 442.06 feet; thence South a distance of 97.28 feet to a point of curve; thence Southeasterly along the arc of a curve concave to the Northeast at a distance of 358.19 feet to a point 40 feet Northerly of, measured at right angles from said Quarter Quarter Section line; thence South 87 degrees 47 minutes East, along a line 40 feet Northerly of, normally distant from and parallel to said South Quarter Quarter Section line, a distance of 233.68 feet; thence South, a distance of 40 feet to said South Quarter Quarter Section line; thence South 89 degrees 47 minutes East, along said South Quarter Quarter Section line a distance of 36 feet to the point of beginning, except that part in roads and except as to all minerals reserved upon terms and provisions of Quit Claim Deed from the Atchison, Topeka and Santa Fe Railway Company, recorded April 22, 1966 as Document No. 699415 in Book 1980 at Page 347 and in Statement of Claims recorded May 22, 1986, as Document No. 1008194 in Book 3140 at Page 735. Located at approximately 5510 Kansas Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a 10-day hazardous material/waste transfer station.

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. **Per landscaping and screening requirements, a landscape plan showing trees and bushes along the edge of the property, as well as a six (6) foot tall screening fence, shall be provided to staff. The screening fence shall have masonry columns every 32 feet;**
2. **The applicant shall submit for a DRC Building Permit for a Change of Occupancy to the H3 Classification;**
3. **All materials on-site must be in a trailer or in the building, in a secure area;**
4. **The parking lot in places is in disrepair. The applicant shall either repair or repave these areas;**
5. **Storage of hazardous/flammable material in excess of 2018 IFC storage limits would require a reclassification of the building occupancy to H3 and require fire alarm/sprinkler installation. Project must also address spill containment, mitigation, monitoring and drainage per 2018 IFC Chapter(s) 50 and 57 and NFPA 30;**
6. **Storage of hazardous/flammable material outside the building must be in**

code compliant outdoor storage areas per Sec. 5004, 2018 IFC and address spill containment, mitigation, monitoring and drainage and applicable EPA requirements. And be stored in code compliant outdoor storage containers per 2018 IFC Chapter(s) 50 and 57 and NFPA 30;

7. 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;
8. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
9. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - Construction with materials resistant to flood damage;
 - Utilization of methods and practices that minimize flood damages;
 - All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
 - Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - All such proposals are consistent with the need to minimize flood damage;
 - All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or

- eliminate flood damage;
 - Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data;
- 10. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
- 11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
- 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. 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. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
- 15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit,

- and if so, must take it upon themselves to initiate the building permit process accordingly;
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. 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;
 19. 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;
 20. 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;
 21. 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;
 22. 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,

23. 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 _____)

SP2024-031

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 SP2024-031, commonly known as 2737 South 53rd Terrace, Kansas City, Kansas, legally described as:

Lot 21, WALDEN VIEW, a subdivision of Kansas City (Wyandotte County), Kansas, S36, T11, R24, ACRES 0.31, L21, located at approximately 2737 South 53rd Terrace, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of 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 seven (7);**
2. **All parking must be off-street, maximum number of vehicles is three (3). 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 (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;
 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 _____)

SP2024-032

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 SP2024-032, commonly known as 5814 Parkview Avenue, Kansas City, Kansas, legally described as:

A part of Lot 4, RESURVEY OF HAMMOND PLACE, EXCEPT LOTS 1, 2, 7 AND 8, a subdivision of land in Kansas City, Wyandotte County, Kansas, described as follows: Beginning at the Southwest corner of said Lot 4; thence North along the West line of said Lot 4, 155.00 feet to the Northwest corner thereof; thence East along the North line of said Lot 4, 65.00 feet; thence Southeasterly in a straight line to a point in the Southerly line of said Lot 4 which is 70.00 feet East of the Southwest corner thereof, measured along said Southerly line; thence West along the Southerly line of said Lot 4, 70.00 feet to the point of beginning, located at approximately 5814 Parkview Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit to assemble jewelry.

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. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
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 existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any

- business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 11. The Special Use Permit 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;
 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 13. 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 _____)

SP2024-034

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 SP2024-034, commonly known as 4101 Fisher Street, Kansas City, Kansas, legally described as:

BONAVENTURA, S34, T11, R25, ACRES 0.15, L48, LESS W 5FT
CONDEMNED, located at approximately 4101 Fisher Street, Kansas City,
Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a 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 seven (7);**
2. **All parking must be off-street, maximum number of vehicles is three (3). 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 (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;
 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 _____)

VAC2024-003

ORDINANCE NO. _____

AN ORDINANCE VACATING ALL OF LOTS 59 & 60, FREEMAN FARMS NORTH PHASE 1, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 5222 and 5228 North 130th Terrace, Kansas City, Kansas.

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

Section 1. That the following described utility easement in Kansas City, Kansas be and the same is hereby vacated:

ALL OF LOTS 59 & 60, FREEMAN FARMS NORTH PHASE 1, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 5222 and 5228 North 130th Terrace, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY 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 _____)

VAC2024-004

ORDINANCE NO. _____

AN ORDINANCE vacating A 20' WIDE PERMANENT SANITARY SEWER EASEMENT DESCRIPTION FOR PORTION OF LOT 2, HOMEFIELD MARGARITAVILLE, FIRST PLAT: A 20 foot wide Sanitary Sewer easement, located in the Southeast Quarter of Section 1, Township 11 South, Range 23 East and being located within Lot 2, HOMEFIELD MARGARITAVILLE, FIRST PLAT, a subdivision in the City of Kansas City, Wyandotte County, Kansas according to the recorded plat thereof, and being more particularly described as follows: COMMENCING at the Southeast corner of said Lot 2 of said HOMEFIELD MARGARITAVILLE; thence North 00°19'13" East, along the Easterly line of said Lot 2, a distance of 179.50 feet; thence North 21°27'47" East, continuing along the Easterly line of said Lot 2, a distance of 31.32 feet to the POINT OF BEGINNING; thence North 21°27'47" East, continuing along said Easterly line, a distance of 23.68 feet; thence North 89°59'27" West, a distance of 3.30 feet; thence South 75°32'18" West, a distance of 396.98 feet; thence South 21°46'41" East, a distance of 20.16 feet; thence North 75°32'18" East, a distance of 392.25 feet to the Point of beginning and containing 7,542.48 square feet or 0.17 acres more or less. (Note: The basis for the above real property description is the Kansas Regional Coordinate System, Zone 11.)

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

Section 1. That the following described sanitary sewer easement in Kansas City, Kansas be and the same is hereby vacated:

PROPOSED VACATION OF A 20' WIDE PERMANENT SANITARY SEWER EASEMENT DESCRIPTION FOR PORTION OF LOT 2, HOMEFIELD MARGARITAVILLE, FIRST PLAT:

A 20 foot wide Sanitary Sewer easement, located in the Southeast Quarter of Section 1, Township 11 South, Range 23 East and being located within Lot 2, HOMEFIELD MARGARITAVILLE, FIRST PLAT, a subdivision in the City of Kansas City, Wyandotte County, Kansas according to the recorded plat thereof, and being more particularly described as follows: COMMENCING at the Southeast corner of said Lot 2 of said HOMEFIELD MARGARITAVILLE; thence North 00°19'13" East, along the Easterly line of said Lot 2, a distance of 179.50 feet; thence North 21°27'47" East, continuing along the Easterly line of said Lot 2, a distance of 31.32 feet to the POINT OF BEGINNING; thence North

21°27'47" East, continuing along said Easterly line, a distance of 23.68 feet; thence North 89°59'27" West, a distance of 3.30 feet; thence South 75°32'18" West, a distance of 396.98 feet; thence South 21°46'41" East, a distance of 20.16 feet; thence North 75°32'18" East, a distance of 392.25 feet to the Point of beginning and containing 7,542.48 square feet or 0.17 acres more or less. (Note: The basis for the above real property description is the Kansas Regional Coordinate System, Zone 11.)

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY 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_____)

VAC2024-005

ORDINANCE NO._____

AN ORDINANCE vacating A 20' WIDE PERMANENT SANITARY SEWER EASEMENT DESCRIPTION FOR PORTION OF LOT 3, HOMEFIELD MARGARITAVILLE, FIRST PLAT: A 20 foot wide Sanitary Sewer easement, located in the Southeast Quarter of Section 1, Township 11 South, Range 23 East and being located within Lot 3, HOMEFIELD MARGARITAVILLE, FIRST PLAT, a subdivision in the City of Kansas City, Wyandotte County, Kansas according to the recorded plat thereof, and being more particularly described as follows: COMMENCING at the Southeast corner of Lot 2 of said HOMEFIELD MARGARITAVILLE; thence North 00°19'13" East, along the Easterly line of said Lot 2, a distance of 179.50 feet; thence North 21°27'47" East, continuing along the Easterly line of said Lot 2, a distance of 31.32 feet to the POINT OF BEGINNING; THENCE North 75°32'18" East, a distance of 8.16 feet; thence South 89°59'27" East, a distance of 395.96 feet; thence North 28°29'53" West, a distance of 22.76 feet; thence North 89°59'27" West, a distance of 384.34 feet to the said Easterly line; thence South 21°27'47" West, along said Easterly line, a distance of 23.68 feet to the point of beginning and containing 7,878.22 square feet or 0.18 acres more or less. (Note: The basis for the above real property description is the Kansas Regional Coordinate System, Zone 11), located at 9700 State Avenue, Kansas City, Kansas.

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

Section 1. That the following described sanitary sewer easement in Kansas City, Kansas be and the same is hereby vacated:

PROPOSED VACATION OF A 20' WIDE PERMANENT SANITARY SEWER EASEMENT DESCRIPTION FOR PORTION OF LOT 3, HOMEFIELD MARGARITAVILLE, FIRST PLAT: A 20 foot wide Sanitary Sewer easement, located in the Southeast Quarter of Section 1, Township 11 South, Range 23 East and being located within Lot 3, HOMEFIELD MARGARITAVILLE, FIRST PLAT, a subdivision in the City of Kansas City, Wyandotte County, Kansas according to the recorded plat thereof, and being more particularly described as follows: COMMENCING at the Southeast corner of Lot 2 of said HOMEFIELD MARGARITAVILLE; thence North 00°19'13" East, along the Easterly line of said Lot 2, a distance of 179.50 feet; thence North 21°27'47" East, continuing

along the Easterly line of said Lot 2, a distance of 31.32 feet to the POINT OF BEGINNING; THENCE North 75°32'18" East, a distance of 8.16 feet; thence South 89°59'27" East, a distance of 395.96 feet; thence North 28°29'53" West, a distance of 22.76 feet; thence North 89°59'27" West, a distance of 384.34 feet to the said Easterly line; thence South 21°27'47" West, along said Easterly line, a distance of 23.68 feet to the point of beginning and containing 7,878.22 square feet or 0.18 acres more or less. (Note: The basis for the above real property description is the Kansas Regional Coordinate System, Zone 11.)

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY 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



Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #		
RESOLUTION: THIRD AMENDMENT TO ASSIGNMENT, ASSUMPTION AND SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT		
BACKGROUND		
Adopt the Third Amendment to the Assignment, Assumption and Second Amended and Restated Development Agreement for the Homefield project.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
N/A		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Third Amendment to Assignment Assumption and Second Amended and Restated Development Agreement		

Approved by Mayor and/or Chair and Administrator to add to agenda.

Jeffrey Conway
6/24/24
Jeffrey Conway

RESOLUTION NO. R-__-24

**A RESOLUTION ADOPTING THE THIRD AMENDMENT TO
ASSIGNMENT, ASSUMPTION AND SECOND AMENDED AND
RESTATED DEVELOPMENT AGREEMENT (HOMEFIELD PROJECT)**

WHEREAS, on January 27, 2022, the Unified Government of Wyandotte County/Kansas City, Kansas (“UG”) and HFS KCK, LLC (“Developer”) entered into that certain Assignment, Assumption and Second Amended and Restated Development Agreement (as amended, the "Agreement"), whereby Developer proposed to design, develop, and construct certain new facilities in Wyandotte County, Kansas, including an approximately 150,000 square foot building and facility which is designed as a multi-sport venue; outdoor facilities for water and outdoor sports; and a youth baseball complex (collectively, the "Homefield Project");

WHEREAS, in the Agreement, Developer has also agreed to design, develop, and construct an approximately 230-room Margaritaville-themed hotel project;

WHEREAS, on June 8, 2023, the UG and Developer entered into that certain First Amendment to Assignment, Assumption and Second Amended and Restated Development Agreement (the "First Amendment") to create the Themed Hotel Community Improvement District (“CID”), and to include in that CID Big Shots Golf, a multi-sport and live music arena, and an Atlas 9 immersive museum;

WHEREAS, On May 2, 2024, the UG and Developer entered into that certain Second Amendment to Assignment, Assumption and Second Amended and Restated Development Agreement (the "Second Amendment") to, among other things, acknowledge the acquisition of Big Shots Golf by Top Golf and make certain adjustments to the underwriting for the Themed Hotel CID Bonds with respect to projected revenue from the Arena and/or Top Golf;

WHEREAS, the State of Kansas has now agreed to modify its agreements with the Developer and the UG with respect to its pledge of the Menards State Increment pledged to the Initial Issuance of STAR Bonds for the Project; specifically, the State has agreed to increase the Menards State Increment from 80% to 100% and therefore the definition of "Menards State Increment" must be modified in the Agreement; and

WHEREAS, the Governing Body has determined that it is advisable to enter into the Third Amendment to Assignment, Assumption and Second Amended and Restated Development Agreement, attached hereto as Exhibit A (the "Third Amendment"), to amend certain provisions of Original Homefield Agreement, as previously amended and supplemented.

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

Section 1. That the Governing Body hereby approves the Third Amendment in substantially the form attached hereto.

Section 2. That the Mayor or County Administrator is hereby authorized to execute in the name of the UG the Third Amendment, and all 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.

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

By: _____

Printed Name: _____

Title: _____

Unified Government of Wyandotte County/Kansas
City, Kansas

ATTEST:

By: _____

Monica Sparks, Acting Unified Government Clerk

Approved as to form:

By: _____

Angela J. Lawson, Acting Chief Counsel

**THIRD AMENDMENT TO ASSIGNMENT, ASSUMPTION AND SECOND AMENDED
AND RESTATED DEVELOPMENT AGREEMENT**

THIS THIRD AMENDMENT TO ASSIGNMENT, ASSUMPTION AND SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT (this "Amendment"), is made and entered into as of _____, 2024 (the "Amendment Effective Date"), by and among the **Unified Government of Wyandotte County/Kansas City, Kansas** (the "UG") and **HFS KCK, LLC**, a Kansas limited liability company ("Developer").

RECITALS:

A. On January 27, 2022, the UG and Developer entered into that certain Assignment, Assumption and Second Amended and Restated Development Agreement (as amended, the "Agreement"), whereby Developer proposed to design, develop, and construct certain new facilities on certain real property located in Wyandotte County, Kansas, including, among other things, (i) an approximately 150,000 square foot building and facility which is designed as a multi-sport venue, including food and beverage, medical services, fitness, retail, office and entertainment spaces; (ii) outdoor facilities (and potentially associated indoor area(s)) for entertainment programs for water and outdoor sports; and (iii) a youth baseball complex which will include at least eight (8) lighted fields and integrate state-of-the-art technology to enhance individual and team training as well as analytics and data capture, concessions and restrooms (collectively, the "Homefield Project"). The Homefield Project is more particularly described in Sections 2.2(a)(i)(1) and (2), 2.2(a)(ii)(1) and (2) and 2.2(a)(vi)(1) of the Agreement, as modified by this Amendment. Capitalized terms which are used in this Amendment and not otherwise defined herein shall have the meanings assigned to them in the Agreement.

B. In the Agreement, Developer has also agreed to design, develop, and construct an approximately 230-room Margaritaville-themed hotel project, which may include amenities such as food and beverage options, pools and other water features, retail offerings, meeting space, and a spa (collectively, the "Themed Hotel").

C. On June 8, 2023, the UG and Developer entered into that certain First Amendment to Assignment, Assumption and Second Amended and Restated Development Agreement (the "First Amendment") to create the Themed Hotel CID and commence underwriting for the same with the intention of marketing and publicly selling CID Bonds in connection therewith. The First Amendment also provided that the Themed Hotel CID include the Homefield Building, Homefield Baseball and three additional new concepts that were not previously contemplated specifically in the Agreement: (i) a Big Shots Golf food and entertainment concept ("Big Shots Golf"), (ii) a multi-sport and live music arena (the "Arena"), and (iii) an Atlas 9 immersive museum ("Atlas 9"), each of which is more fully described in such First Amendment.

D. On May 2, 2024, the UG and Developer entered into that certain Second Amendment to Assignment, Assumption and Second Amended and Restated Development Agreement (the "Second Amendment") to, among other things, acknowledge the acquisition of Big Shots Golf by Top Golf and make certain adjustments to the underwriting for the Themed Hotel CID Bonds with respect to projected revenue from the Arena and/or Top Golf.

E. The State of Kansas has now agreed to modify its agreements with the Developer and the UG with respect to its pledge of the Menards State Increment pledged to the Initial Issuance of STAR Bonds for the Project; specifically, the State has agreed to increase the Menards State Increment from 80% to 100% and therefore the definition of "Menards State Increment" must be modified in this Agreement as more fully set forth below.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Incorporation of Recitals. The parties understand and agree that the Recitals set forth above are hereby incorporated as though more fully set forth herein.

2. Amendment of Menards State Increment. The State of Kansas has agreed to modify its pledge of the Menards State Increment to the Initial Issuance of STAR Bonds for the Project to increase the Menards State Increment from eighty percent (80%) to one hundred percent (100%). Accordingly, the parties have agreed to the following changes in the Agreement:

(a) Section 4.2(d)(ii) shall be deleted in its entirety and replaced with the following: *"Commencing on the date of the Initial Issuance and continuing for the entire STAR Bond Collection Period, one hundred percent (100%) of the State Increment that is derived from the Menards Revenues shall be pledged to the STAR Bonds (the "Menards State Increment")."*

(b) The definition of Menards State Increment in the Annex of Definitions shall be deleted in its entirety and replaced with the following: ***"Menards State Increment"** means the one hundred percent (100%) of the State Increment that is derived from the Menards Revenues and pledged to the STAR Bonds, as described in Section 4.2(d)(ii).*

3. Miscellaneous. In connection with this Amendment, the parties hereby agree as follows:

(a) Except as specifically modified by this Amendment, the Agreement shall be and remain in full force and effect in accordance with the terms thereof.

(b) It is the intent of the parties that the provisions of the Agreement, as modified by this Amendment, shall be enforced to the fullest extent permitted by applicable law. To the extent that the terms set forth in the Agreement, as modified by this Amendment, or any word, phrase, clause or sentence is found to be illegal or unenforceable for any reason, such word, phrase, clause or sentence shall be modified, deleted or interpreted in such a manner as to afford the party for whose benefit it was intended the fullest benefit commensurate with making the Agreement, as modified by this Amendment, enforceable and the balance of the Agreement shall not be affected thereby, the balance being construed as severable and independent.

(c) The parties declare and represent that no promises, inducements or agreements not herein expressed have been made; the Agreement, as modified by this Amendment, contains the entire agreement among the parties; and the terms hereof are contractual and not mere recitals.

(d) This Amendment shall be binding upon and inure to the benefit of the parties and their successors and assigns.

(e) This Amendment may be executed in counterparts.

(f) This Amendment shall be governed by, construed and interpreted in accordance with the laws of the State of Kansas.

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the Amendment Effective Date.

DEVELOPER:

HFS KCK, LLC, a Kansas limited liability company

By: _____

Name: _____

Title: _____

STATE OF _____)

) SS.

COUNTY OF _____)

This instrument was acknowledged before me on _____, 2024 by _____ as _____ of HFS KCK, LLC, a Kansas limited liability company.

Printed Name: _____

Notary Public in and for said State

Commissioned in _____ County

My commission expires: _____



Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #		
RESOLUTION: FIRST AMENDMENT TO TAX DISTRIBUTION AGREEMENT WITHIN CERTAIN AREAS OF THE VILLAGE EAST STAR BOND DISTRICT		
BACKGROUND		
Adopt a resolution authorizing a First Amendment to the Tax Distribution Agreement involving the Series 2022 Bonds in certain project areas of the Village East STAR Bond District.		
RECOMMENDATION		
Approve		
Adopt the Resolution		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
None		
IT/POLICY CONSIDERATIONS		
None		
PROCUREMENT CONSIDERATIONS		
None		
LEGAL CONSIDERATIONS		
Approval of Amendment		
ATTACHMENTS		
Resolution - Homefield 2022 TDA Amendment (UG), First Amendment to Tax Distribution Agreement - Homefield 2022 (UG)		

Approved by Mayor and/or Chair and Administrator to add to agenda.

[Signature] 6/24/2024

[Signature]

RESOLUTION NO. R-__-24

**RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ENTER INTO A FIRST
AMENDMENT TO TAX DISTRIBUTION AGREEMENT; AND AUTHORIZING
CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE
EXECUTION AND DELIVERY OF SUCH DOCUMENT.**

WHEREAS, in connection with the issuance of the Sales Tax Special Obligation Revenue Bonds (Village East Project Areas 2B, 3 and 5), Series 2022 (the “Bonds”), the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), Security Bank of Kansas City, as trustee under the Bond Trust Indenture dated as of May 1, 2022, as amended and supplemented (the “Trustee”), Security Bank of Kansas City, as trustee under the Bond Trust Indenture dated as of October 1, 2015, as amended and supplemented (the “2015A Trustee”), the Treasurer of the State of Kansas (the “State Treasurer”) and Security Bank of Kansas City, as escrow agent (the “Escrow Agent”) entered into a Tax Distribution Agreement dated as of May 1, 2022 (the “Tax Distribution Agreement”), relating to the disbursement of certain tax revenues collected within the Village East Project Areas 2B, 3 and 5 of the Village East STAR Bond District (collectively, the “Project Area”); and

WHEREAS, the Incremental State Tax Revenues (as defined in the Tax Distribution Agreement) pledged under the Tax Distribution Agreement specifically excludes certain state revenues derived from within the Project Area; and

WHEREAS, the Issuer, the Trustee, the 2015A Trustee, the State Treasurer and the Escrow Agent now desire to enter into a First Amendment to Tax Distribution Agreement (the “Amendment”) to include such unpledged state tax revenues in the Incremental State Tax Revenues pledged under the Tax Distribution Agreement dating back to the date of issuance of the Bonds; and

WHEREAS, pursuant to Section 603(a) of the Tax Distribution Agreement, such agreement may be amended without the consent of the owners of the Bonds to make such modifications or changes therein that are not materially adverse to the interests of the owner of any outstanding Bond as determined by the Escrow Agent in its discretion; and

WHEREAS, in connection therewith, the Issuer now finds and determines that it is necessary and desirable that the Issuer enter into the Amendment, a copy of which has been presented at this meeting and shall be filed with the records of the Issuer, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS
FOLLOWS:**

Section 1. Authorization and Approval of Amendment. The Amendment is hereby approved in substantially the form presented to and reviewed by the Issuer at this meeting (a copy of which document shall be filed in the records of the Issuer), and the Issuer is hereby authorized to execute and deliver the Amendment with such changes therein as shall be approved by the officer or officers of the Issuer executing the Amendment, such officers' signatures thereon being conclusive evidence of their approval and the Issuer's approval thereof.

Section 2. Execution of Documents. Each of the Mayor/CEO and County Administrator of the Issuer is hereby authorized and directed to execute and deliver the Amendment and such other documents, certificates and instruments and to do and cause to be done any and all acts as may be necessary or desirable to carry out and comply with the intent of this Resolution and the Amendment, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Amendment and such other documents, certificates and instruments as may be necessary or desirable.

Section 3. Further Authority. The Issuer shall, and any of the officers, agents and employees of the Issuer are hereby authorized and directed to, take such further action, and execute such other documents, deeds, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

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

ADOPTED by the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas on _____, 2024.

Tyrone Garner,
Mayor/CEO of the Unified Government of
Wyandotte County/Kansas City, Kansas

(Seal)

ATTEST:

Monica Sparks,
Interim Unified Government Clerk

Approved as to Form:

Office of Chief Counsel

**FIRST AMENDMENT
TO
TAX DISTRIBUTION AGREEMENT**

This **FIRST AMENDMENT TO TAX DISTRIBUTION AGREEMENT** (this "Amendment") is entered into as of _____ 2024, among the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**, a municipal corporation and political subdivision duly organized and existing under the laws of the State of Kansas (the "Issuer"), **SECURITY BANK OF KANSAS CITY**, a state banking corporation duly organized and existing under the laws of the State of Kansas, as trustee under the herein described Indenture (the "Trustee"), **SECURITY BANK OF KANSAS CITY**, a state banking corporation duly organized and existing under the laws of the State of Kansas, as trustee under the herein described Series 2015A Indenture (the "2015A Trustee"), the **TREASURER OF THE STATE OF KANSAS** (the "State Treasurer") and **SECURITY BANK OF KANSAS CITY**, a state banking corporation duly organized and existing under the laws of the State of Kansas, acting as escrow agent hereunder for the benefit of the Trustee (the "Escrow Agent").

RECITALS

1. The Issuer, the Trustee, the 2015A Trustee, the State Treasurer and the Escrow Agent entered into a Tax Distribution Agreement dated as of May 1, 2022 (the "Tax Distribution Agreement"). Capitalized terms used but not defined herein shall have the meanings assigned to such terms in the Tax Distribution Agreement.

2. The Issuer, the Trustee, the 2015A Trustee, the State Treasurer and the Escrow Agent now desire to amend the Tax Distribution Agreement to include the Menards Unpledged State Tax Revenues in the Incremental State Tax Revenues that are pledged to the Bonds.

AGREEMENT

ARTICLE I

**APPLICABILITY OF TAX DISTRIBUTION AGREEMENT;
AUTHORIZATION FOR AMENDMENT**

Section 101. Applicability of Tax Distribution Agreement. Except as otherwise provided in this Amendment, the provisions of the Tax Distribution Agreement are hereby ratified, approved and confirmed and incorporated herein.

Section 102. Authorization for Amendment. This Amendment is authorized, executed and delivered under the provisions of **Section 603(a)(v)** of the Tax Distribution Agreement.

ARTICLE II

AMENDMENTS TO TAX DISTRIBUTION AGREEMENT

Section 201. Amendments to Section 101 of Tax Distribution Agreement.

(a) The definition of "Incremental State Tax Revenues" set forth in **Section 101** of the Tax Distribution Agreement is hereby deleted and replaced with the following definition:

"Incremental State Tax Revenues" means:

(a) the State Capitalized Interest; and

(b) with respect to each calendar year, the difference between (a) State Tax Revenues received by the State during such calendar year and (b) the Base Year State Tax Revenues; provided, however, that Incremental State Tax Revenues shall not include the Jeep Series 2015A State Tax Revenues.

(b) The definition of "Menards Unpledged State Tax Revenues" set forth in **Section 101** of the Tax Distribution Agreement is hereby deleted in its entirety.

ARTICLE III

MISCELLANEOUS PROVISIONS

Section 301. Severability. If any provision in this Amendment shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 302. Execution in Counterparts. This Amendment may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, but all such counterparts shall together constitute but one and the same instrument.

Section 303. Governing Law. This Amendment shall be governed by and construed in accordance with the laws of the State of Kansas.

Section 304. Electronic Transactions. The transactions described in this Amendment may be conducted and related documents may be sent, received or stored by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes.

Section 305. Effective Date. This Amendment is effective and will be implemented retroactively as if entered into as of May 1, 2022. The Department will recalculate the State Incremental Tax Revenues for the period from May 4, 2022 to the date hereof taking into account the provisions of this Amendment, and the parties hereto shall make such adjustments and transfers of State Tax Revenues as may be necessary to give effect to the provisions and intent of this Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed in their respective names by their duly authorized officers, all as of the date first above written.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

(SEAL)

ATTEST:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

SECURITY BANK OF KANSAS CITY,
as Trustee under the Indenture

By: _____
Name: Peter B. Gardner
Title: Senior Vice President

SECURITY BANK OF KANSAS CITY,
as Trustee under the 2015A Indenture

By: _____
Name: Peter B. Gardner
Title: Senior Vice President

TREASURER OF THE STATE OF KANSAS

(SEAL)

By: _____
Name: _____
Title: _____

SECURITY BANK OF KANSAS CITY,
as Escrow Agent

Name: Peter B. Gardner
Title: Senior Vice President



Report to Neighborhood & Community Development

MEETING DATE	PRESENTER	DEPARTMENT
JUL 08 2024	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #IV.2.		
ORDINANCE: AMENDING COMMUNITY BENEFITS ORDINANCE		
BACKGROUND		
Approval of an ordinance amending Section 27-801 of the Municipal Code (Community Benefits Fund) to identify the minor home repair program administered through Livable Neighborhoods as an eligible expenditure. <i>On December 7, 2023, The Board of Commission previously approved O-160-23 establishing the Community Benefits Fund and permitted expenses.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
7.8.24		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Minor home repair amended ordinance		

Approved by Mayor and/or Chair and Administrator to add to agenda.

[Signature] 7/2/2024

ORDINANCE NO. O-_____

AN ORDINANCE AMENDING SECTION 27-801 OF THE CODE OF UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, RELATED TO THE COMMUNITY BENEFITS FUND AND HOME REPAIRS

WHEREAS, the existing community benefits ordinance, codified as section 27-801 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, identifies a senior home repair program as an eligible expenditure category;

WHEREAS, the Livable Neighborhoods Task Force administers a minor home repair program that is related to this expenditure category; and

WHEREAS, Livable Neighborhoods experiences high demand for its services and is currently oversubscribed for the minor home repair program.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. That Section 27-801 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, is amended to read as follows:

Sec. 27-801. Community Benefits Fund

(a) *Purpose.* The Unified Government is committed to community outreach and engagement that promotes transparency and accountability and that ensures development projects in Wyandotte County benefit and promote economic growth and prosperity for all residents.

(b) *Definitions.* For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

Community Benefits Advisory Board or advisory board means those certain members appointed by the mayor/CEO and commissioners to serve as members pursuant to this section.

Community Benefits Fund or benefits fund means the designated funds collected by the unified government for the purpose of disbursement pursuant to a recommendation by the advisory board to the economic development and finance standing committee.

Economic Incentive or economic incentive means any public assistance that lowers the market cost of completing an economic development project, such as land transfers below market rate or any economic incentive tool utilized by the department of economic

development. Economic incentive does not include benefits received under the Neighborhood Revitalization Act pursuant to K.S.A. 12-17,114 *et seq.*

(c) *Community Benefits Advisory Board.*

(1) The Community Benefits Advisory Board shall consist of eleven members appointed by the mayor/CEO and the commissioners. The mayor/CEO shall appoint the chair from among the members of the advisory board and the mayor pro tem shall appoint the vice-chair from among the members of the advisory board. Only residents of the county, or owners or chief executive officers of businesses located in the county, are eligible to serve as members of the advisory board. Members of the advisory board shall be residents of the appointing commissioner's district, or the business shall be located in the appointing commissioner's district, as the case may be.

Notwithstanding any other provision of this subsection to the contrary, of the members first appointed to the advisory board after the effective date of this ordinance, those members appointed by the mayor/CEO, and those members appointed by the at-large commissioner and commissioners representing even-numbered districts, shall serve an initial one-year term and then shall serve two-year terms thereafter. All other members serve two-year terms.

(2) The advisory board may meet upon the call of the chair. The board shall act in an advisory capacity only and may act to forward recommendations to the mayor/CEO, for assignment to the economic development and finance standing committee, how the funds in the benefits fund are to be allocated.

(3) To the extent permitted by state and local law, one-half of all administrative fees and issuance fees received by the unified government on and after January 1, 2024, as a result of any new development projects located in the city funded by utilizing economic incentives shall be set aside in the benefits fund.

(4) As necessary, or when requested by the mayor/CEO or the board of commissioners, the advisory board may open a public comment period consisting of no less than sixty (60) days to receive feedback from the community on which category or categories described in subsection (d) of this section those funds in the benefits fund should be spent.

(5) The public comment period may be completed with the help and advice of those Unified Government departments and staff assigned by the county administrator. Tools for community engagement may include town halls, online surveys, attendance at neighborhood meetings, attending public events, marketing, and multi-language meetings.

(6) After the public comment period, the advisory board may convene a public hearing on the matter, after providing proper notice. The advisory board shall forward any recommendation to the economic development and finance standing

committee. Any such recommendation requires an affirmative vote of a majority of all members of the advisory board.

(7) The advisory board shall be subject to the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.*, and the Kansas Open Records Act, K.S.A. 45-215 *et seq.*, and members of the advisory board shall be subject to the Unified Government Code of Ethics.

(8) The economic development and finance standing committee may consider any such recommendation of the advisory board at its next regularly scheduled meeting. Upon hearing the matter, the economic development and finance standing committee may recommend to the board of commissioners how the funds in the benefits fund that year are to be spent. The economic development and finance standing committee may amend the recommendation forwarded by the advisory board or may enhance or reduce the amounts contained therein.

(d) The categories of permitted expenditures from the benefits fund shall be limited to the following:

(1) The ~~senior~~ minor home repair program administered through the Livable Neighborhoods Task Force of the Unified Government, with eligibility for the program determined by guidelines adopted by the Livable Neighborhoods Task Force;

(3) A local affordable housing trust fund; and

(3) Licensed childcare projects or programs;

(e) The distribution of community benefits made pursuant to this section shall not exceed an amount that is one-third of the money in the benefits fund for any one category described in subsection (d) of this section; except that such limitation may be exceeded or waived for any distribution upon a two-thirds vote of the board of commissioners. The distribution of community benefits made pursuant to this section shall include those distressed areas identified as Qualified Census Tracts for that year, as identified by the federal Department of Housing and Urban Development pursuant to notice in the Federal Register.

(f) *Allocation.* Allocations made pursuant to this section may occur starting June 1, 2024, or when the benefits fund has moneys totaling at least \$500,000, whichever occurs first.

(g) *Eligibility.* Recipients of funds pursuant to this section shall not be delinquent on any taxes, fines, and fees owed to the unified government. All recipients shall be residents of the city, or shall be an entity duly licensed and located in the city. No member of the advisory board shall be a recipient of funds pursuant to this section, or shall represent an entity that is a recipient of such funds.

(h) *Exemptions.* The requirements of this section may be waived in whole or in part by resolution of the board of commissioners upon submission by the mayor/CEO, in consultation with the county administrator.

(g) *Policy Review.* In consultation with the unified government legal department, the advisory board shall review the effectiveness of this ordinance and make recommendations based on that review every two years. A review report shall be submitted to the economic development and finance standing committee for consideration.

Section 2. That said original section 27-801 be and the same is hereby repealed.

Section 3. Effective Date. This ordinance shall take effect and be in full force from and after its passage and approval, and publication in the official newspaper.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____ 2024.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Interim Clerk

Approved as to Form:

Unified Government Chief Counsel

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

PLANNING & ZONING AND
REGULAR SESSION
MAY 25, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, May 25, 2023, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second 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. Ramirez, Commissioner Third District; was absent. The following officials were also in attendance: David Johnston, County Administrator; Patrick Waters, Acting Chief Legal Counsel; Gunnar Hand, Director of Planning and Urban Design; Angel Ferrara, Director of Parks & Recreation; Brett Deichler, UG Clerk; and Monica L. Sparks, Deputy UG Clerk.

Mayor Garner said before I call this meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely via Zoom, by phone, or on-site. All participants joining us by phone should, please, mute their phones when not speaking. This will 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 exactly who is speaking. This is critical given the number of remote participants and is current guidance from your Kansas Attorney General's Office.

Mayor Garner said I will now call this meeting to order. Roll call.

Brett Deichler, UG Clerk, said before I call roll, I will mention that Commissioner Ramirez had turned in an absent memo.

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

Mayor Garner said the invocation tonight is going to be given by Pastor Daniel Freeman of New Beginning Missionary Baptist Church, immediately followed by the Pledge of Allegiance.

Mayor Garner asked, Clerk, are there any revisions tonight to tonight's agenda? **Mr. Deichler** said there was one change that needs to be announced. The Mayor's Agenda items were moved to the top of tonight's session; then our Planning and Zoning Agenda items, as well as the Regular Agenda items, will follow in the previously published order.

MAYOR'S AGENDA

Item No. 1 – 212495...PRESENTATION: YOUTH ADVISORY COUNCIL

Synopsis: A presentation announcing the formation of a Youth Advisory Council, submitted by Tyrone Garner, Mayor/CEO.

Mayor Garner said we have a presentation from Jillian Collier. She is the leader that put together the Youth Advisory Council. Done an awesome job. She'll be joined by Mr. J.D. Rios, Liaison of the Mayor's Office, as well as Moses Wyatt, Jr., who is also a Liaison of the Mayor's Office.

Jillian Collier, Youth Programming Specialist for the Mayor's Office, said tonight, I will be talking about the Mayor's Youth Council and celebrating and honoring those that are in attendance tonight.

The Mayor's Youth Council was recently approved by Wyandotte County commissioners and established as the official representative of the county's youth. I, along with J.D. Rios, coordinated student applications for the Youth Council. J.D. Rios and Moses Wyatt will continue to lead this endeavor upon my departure from the Mayor's Office to attend Spelman College this June. I joined the Mayor's staff in January of this year.

I would like to thank the Mayor for having the vision and dedication to support the children in this city, and for hiring me to develop this Board and other youth initiatives within his office. In addition, this also demonstrates that you, the full Board of Commissioners, also support WyCo youth by enacting this ordinance that made the Board possible. I believe that young people need to witness such partnerships between government officials and increase in our unity. For the

success of this Youth Council, it is crucial that they recognize the importance of Board collaboration. So, thank you for your support.



We have developed the REACH acronym. This basically encapsulates what the students will be getting out of the Board. R stands for representing Wyandotte County. E, exercising their leadership. A, activating your voice. C, creating impactful community projects. And H, helping others.

For the programming details, all applicants were required to have a minimum 2.5 GPA, reside within Wyandotte County, and be enrolled in 11th or 12th grade for the forthcoming school year. In addition to operating, voting on, and conversing with the Unified Government about youth initiatives in Wyandotte County, representatives will participate in a two-year program under the direction of Mr. J.D. Rios and Moses Wyatt, in collaboration with the Administrator's Office, per the Unified Government ordinance.

The first year will focus on leadership development and acquiring a deeper understanding of how the UG operates. The second year will consist of developing and implementing a Wyandotte County community beneficial advocacy initiative in the student's area of interest.

A Mayor's Youth Council is a group of young people, appointed by Mayor Tyrone Garner, to serve as county-wide ambassadors for the youth of Wyandotte County. Through leadership development, volunteer services, and increased communication with municipal leaders, they work toward the common goal of developing their individual leadership abilities to strengthen our community.

Participating in the Mayor's Youth Council will specifically create and direct initiatives with the aid of their mentors, serve as the central planning body that will enable youth engagement with various community groups, contribute to raising awareness of the positive contributions that young people make to our city, and to ensure that our voices are heard, and representing the viewpoints of children and adolescents in Wyandotte County.

We are thrilled to announce, recognize, and honor the inaugural members of the Mayor's Youth Council. The newly appointed Mayor's Youth Council consists of the following individuals. Some may be with us today. Chair Alison Asbury-12th grade, Vice Chair D'Angelo Mays-11th grade, Airly Romo-12th grade, Angel Castillo-Decerra-11th grade, Anjel Robinson-12th grade, Anthony Selgado-11th grade, Au'Miyah Chatmon-11th grade, Chau Tran-11th grade, Makayla Clark-11th grade, Jack Seal-12th grade, Malia Rachel Thompson-11th grade, Ocial Hernandez-11th grade, Thomas Hapke-12th grade, Timouini Kobei-12th grade, and Vitoria Juarez Chavez-12th grade.

Mayor Garner said thank you for these young men and women that really stepped forward. They put in a lot of time writing essays, doing interviews, and really showed a profound interest to want to be involved in this Youth Council. Really, I'd like to give a thanks to the Unified Government Board of Commissioners. I think we owe them a round of applause because this would have not happened without their support and making sure that this ordinance became reality.

They'll be working really close with the Administrator's Office in the months and weeks ahead to really learn about how the Unified Government works, different departments, and just overall governance. As they become totally acclimated to government, they'll work on formulating ideas and things that really reflect our young people here in Wyandotte County and being that voice. I believe this is just a small group. I believe overall, there were 16 total, so we do have some kids that couldn't make it with us tonight, but our youth are really valuable assets to our community. They are the future leaders of our community. They are leaders now, today, and we need to recognize, extend, and prop them up.

Thank you to staff that will be supporting these young men and women. Thank you to this Commission, again. More importantly, thank you to the parents that are allowing them to be a part of this Unified Government and to our community. Let's give the parents a round of applause and to this community for supporting this Unified Government in our efforts to really empower and

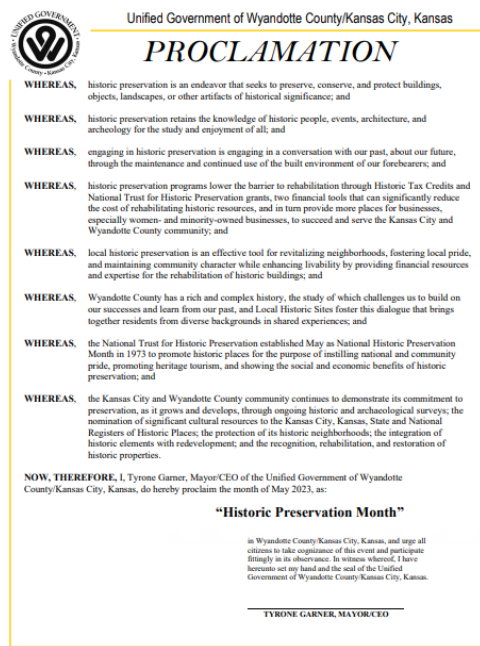
value the youth of our community. So, thank you so much, again. And thank you, Jillian Collier. Let's give her another round of applause. Wish you the best in all your endeavors and success as you go off to finish your college education.

Action: Mayor's Youth Council members were introduced.

Item No. 2 – 212481...PROCLAMATION: HISTORIC PRESERVATION MONTH

Synopsis: Proclamation proclaiming the month of May 2023, as Historic Preservation Month, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read the following proclamation.

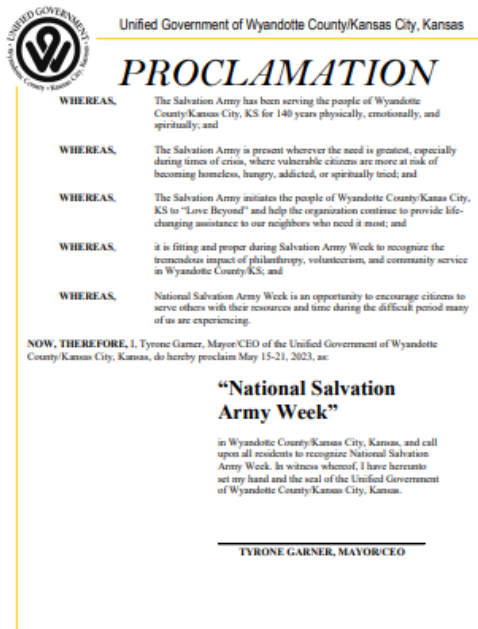


Action: Proclamation was read.

Item No. 3 – 212482...PROCLAMATION: NATIONAL SALVATION ARMY WEEK

Synopsis: Proclamation proclaiming the week of May 15th-21st, 2023, as National Salvation Army Week, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read the following proclamation.

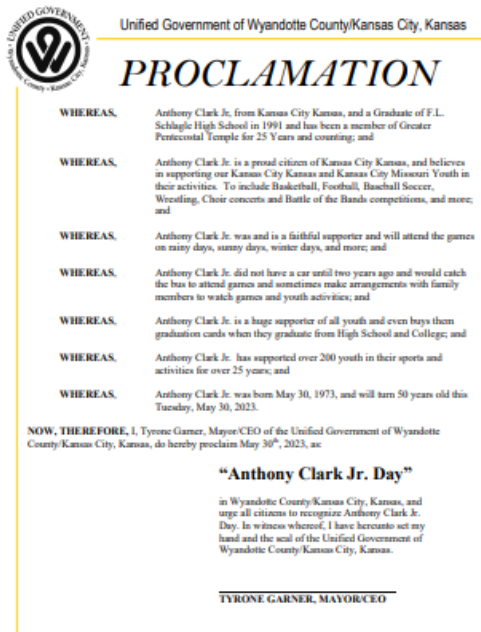


Action: Proclamation was read.

Item No. 4 – 212483...PROCLAMATION: ANTHONY CLARK JR. DAY

Synopsis: Proclamation proclaiming May 30, 2023, as Anthony Clark Jr. Day, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read the following proclamation.



May 25, 2023

Action: Proclamation was read.

Mayor Garner said we are going to move to our Planning and Zoning portion of our meeting and we'll come back to our Regular Session. We have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by the Regular Commission meeting.

PLANNING AND ZONING CONSENT AGENDA

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

Brett Deichler, UG Clerk, read the statement, required by state law.

Mr. Deichler asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on tonight's agenda? **Commissioner McKiernan** said I've had contact with opponents of COZ2022-045 and opponents of MPL2022-026. I've had contact with proponents of COZ2023-001 and MPL2023-001. **Commissioner Bynum** said I've had contact with proponents of SP2023-015; opponents of A1, COZ2022-045 and its companion MPL2022-026. Contact with proponents and opponents of A2, COZ2023-001 and its companion MPL2023-001. **Commissioner Townsend** said I've had contact with proponents of COZ2023-001 and its companion MPL2023-001. **Commissioner Markley** said contact with proponents of COZ2023-001 and its companion MPL2023-001. **Commissioner Davis** said I've had contact with opponents of COZ2022-045. **Commissioner Stites** said I've had contact with proponents COZ2023-001 and MPL2023-001. **Commissioner Kane** said same as what Commissioner Stites said. **Commissioner Burroughs** said I've had contact with proponents of SP2023-018.

Mr. Deichler read the items on the Planning and Zoning Consent Agenda.

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

follow the recommendation of the Planning Commission. I'll ask if anyone in attendance would like to set aside an item.

Roberta Laird, 3704 N. 99th St., said I have a small gift shop in my home. I've had it since 2019, and I would like to remove it at this time. **Mayor Garner** asked, set it aside? **Ms. Laird** said yeah.

Mayor Garner asked, Clerk, is there anyone joining us virtually who'd like to set aside? **Mr. Deichler** said seeing none.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve the Planning and Zoning Consent Agenda items, excluding the set aside.** Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

CHANGE OF ZONE APPLICATION

Item No. 1 – 212473...CHANGE OF ZONE APPLICATION COZ2023-010 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the existing parcel into two (2) residential lots at 13400 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant and representative, Atlas Land Consulting, seeks to rezone 13400 Donahoo Road from A-G Agriculture District (WYCO) to A-G Agriculture District (City) and plat to subdivide the existing parcel into two (2) residential lots on 40.03 acres. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2023-010:

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. The 40-foot access easement from Lot 2 through Lot 1 to Donahoo Road shall be platted in perpetuity as a plat restriction and may not be removed unless there is solely, direct access to a public street without crossing through another parcel;
3. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
4. Utility easements shall connect with easements established in adjoining properties;

5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
6. Lighting cannot exceed one (1) footcandle at the property line. Lighting shall have 90-degree cutoff fixtures;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve Change of Zone Application COZ2023-010, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212474...SPECIAL USE PERMIT APPLICATION SP2023-012 - JOHN E. BROWN WITH RED BRICK INVESTMENTS, LLC

Synopsis: Special Use Permit for grading to prepare the site for future development at 924 North 98th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, John Brown, is requesting a Special Use Permit for grading of the property at 924 North

98th Street for future development. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-012, for two (2) years, subject to:

1. The following recommendations from the Wyandotte County Conservation District shall be used during the grading operation:
 - a. Before any grading is done, the silt fence needs to be put in.
 - b. Silt fence needs to be placed on the contour as much as possible. The J-hook silt fence is needed on any slopes to reduce the amount of runoff at one time.
 - c. Topsoil needs to be saved. Four (4) to six (6) inches of good topsoil needs to be top dressed over borrow and fill areas.
 - d. Immediately after completion of grading, seeding and erosion control blanket needs to be installed or sod needs to be laid down on the steep disturbed area.
 - e. All other areas need to be seeded and mulched immediately after grading is completed.
 - f. All erosion control measures need to be checked once every week and after any rain event.

Any repairs need on the silt fence need to be made immediately;
2. The existing natural buffering will remain in place to buffer and screen the subject property from the surrounding single-family residences;
3. The proposed construction entrance shall be contained within the subject property, unless there is an access agreement from adjacent property owners;
4. The applicant shall return for a Change of Zone to a Planned Commercial District once a proposed plan has been developed;
5. Provide rumble strips along the proposed entrance/exit to limit the amount of dirt that is tracked onto North 98th Street or State Avenue;
6. Remove the unpermitted temporary signage that is located on the northwest corner of the site;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance

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

12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. 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;
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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP2023-012 for two years, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 212475...SPECIAL USE PERMIT APPLICATION SP2023-013 - RUPINDER DHILLON WITH KVL TIRES, LLC

Synopsis: Special Use Permit for tire sales and servicing for trucks and semi-trucks at 336 South 42nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Rupinder Dhillon with KVL Tires LLC, seeks to operate a tire repair shop for service and semi-trucks at 336 South 42nd Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-013, for two (2) years, subject to:

1. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;
2. No parking or idling shall be allowed along the driveway stretch from 42nd Street onto the property;
3. No gravel shall be introduced to the property;
4. Stripe the parking lot for customers between the fence and public right-of-way and truck parking within the fence enclosure;
5. Install wheel stops in the customer parking lot and truck parking lot so vehicles do not roll into the grass or damage the fence;
6. Sec. 27-593(b)(20)e. Install/repair sidewalks per code. Per the goDotte Mobility Plan, 42nd Street is designated as a Minor Arterial, which requires a five (5) sidewalk. Install a five (5) foot concrete sidewalk along the west side of 42nd Street, maintaining a two (2) foot buffer/median from the back of curb;
7. Obtain a Right-of-Way permit via Public Works and plant two (2) street trees in the median on the west side of South 42nd Street;
8. Sec. 27-700(b)(4) Trees may be required depending on the particular location and surroundings of the project up to a maximum of one (1) tree per 15,000 square feet of site area.
 Sec. 27-593(b)(20)a.2. Landscaping, screening and façade improvements to meet the Commercial Design Guidelines.
 Sec. 27-593(b)(20)d.2. Parking shall be upgraded to current standards and regulations including medians, landscaping and screening.
 Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site is 2.126 acres; therefore 11 trees are required to be planted. These will be noted and provided on the landscape plan for the Change of Occupancy building permit;
 If these conditions are not met a Variance application will need to be filed.
9. Landscaping shall be irrigated for a watering plan shall be provided specifically specifying how the vegetation will be maintained to establish and sustain growth;
10. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
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, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
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. 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 Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. 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;
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. 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;
19. 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 on 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;
20. 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;

21. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
22. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
23. 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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP2023-013 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 212476...SPECIAL USE PERMIT APPLICATION SP2023-014 - STEVE SCRAGGS WITH YMCA OF GREAT KANSAS CITY

Synopsis: Special Use Permit for tire sales and servicing for trucks and semi-trucks at 336 South 42nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Steve Scraggs with YMCA of Greater Kansas City, seeks to operate and host a summer day camp at the Piper USD 203 District office on 19.85 acres at 3130 North 122nd Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-014, for two (2) years, subject to:

1. Hours of operation shall be generally from 7:00 AM to 6:00 PM. If hours change through the duration of the Special Use Permit that extend beyond 6:00 PM, contact the Planning + Urban Design Department to update Planning Staff;
2. 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;
3. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
4. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org
5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
6. 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 on 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;
7. 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;

8. 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;
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
10. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP2023-014 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 212467...SPECIAL USE PERMIT APPLICATION SP2023-015 - ROBERTA LAIRD

Synopsis: Renewal of a Home Occupation Special Use Permit (SP2021-032) for a gift, craft and antique shop at 3704 North 99th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Roberta Laird, is requesting the renewal of Special Use Permit SP2021-032, which expires on May 27, 2023. This Home Occupation Special Use Permit allows for the applicant to operate a commercial shop to sell handmade items, gifts, antiques, etc. to the public in the basement and garage of their home at 3704 North 99th Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit SP2023-015, for five (5) years, subject to:

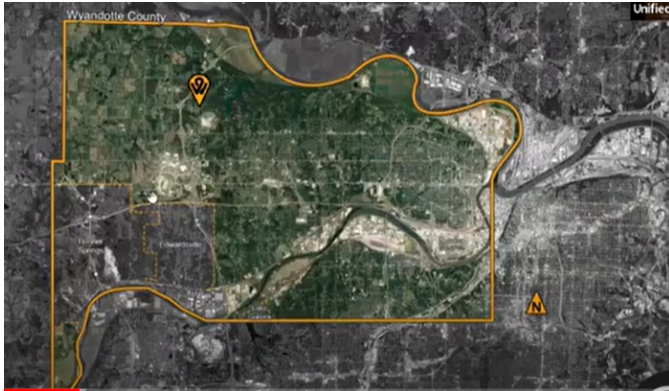
1. The applicant shall turn in sign permit applications for the remaining unpermitted signage;

2. The applicant shall restripe the eight (8) parking spaces that were previously stripped. Additionally, the applicant shall ensure that these spaces are used by customers;
3. Hours of operation shall be limited to Thursday through Saturday noon to 5:00 p.m. with additional hours beginning the day after Thanksgiving and continuing through the holidays. Extended holiday hours would include the addition of being open on Sunday from noon to 5:00p.m. from Thanksgiving until New Years;
4. The maximum number of customer vehicles shall be eight (8);
5. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. The applicant has filed and maintained a current business occupation tax application;
8. 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;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. 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 be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

13. 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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Case		Unified
SP2023-015		
Petitioner	Address	
Roberta Laird	3704 North 99 th Street	
Synopsis		
To continue to operate a commercial specialty shop in the applicant's primary residence.		

Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a home occupation related to a gift shop at the residence. This would be the applicant's second renewal, third approval.



This is in the Prairie Delaware Piper area plan.



Staff received no letters in support.



No letters in opposition. No notices of violation.



May 25, 2023

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



Mayor Garner said it looks like our petitioner, our applicant, is present.

Roberta Laird, 3704 N. 99th St., said I have a small gift shop in my home which is called Simply Unique Gift Boutique. One of the things that I'm asking for is since I opened it in '19, at the beginning, they asked if I would stripe part of my driveway. We have found in striping that nobody ever parks in those. I have middle-aged to older ladies. I have a big area. I just feel like I'm wasting my time because I seal my driveway every couple of years and I cover it up and have to start all over. I have seen many other businesses that are a lot bigger than mine and their lots aren't striped. I feel like I'm not asking for much just to get that pulled so I no longer have to stripe my driveway. It's a big area. Some of them like to pull right up to the door. Some of them like to park away and walk. So, I just feel like it's very unnecessary for the parking to be striped.

Then my other thing that I am asking for is they were generous this time and have agreed to give me a five year, and if there would be a possibility to go 10 years because nothing's going to change. When I even have my neighborhood meetings, no one ever comes. I don't have neighbors. I'm on acreage. So, when I send the neighborhood meetings out, besides my commissioners and stuff, I have two neighbors. One is several acres behind me and one is probably

500 feet away from me. The other one's my son. So, I feel like it would save you guys time and me if we could extend it to the 10 years.

Those are my main issues of what I would like to have done tonight.

Mayor Garner said I'll now open the public hearing and ask the Clerk if you've received any notification from the public who wants to express their comments in favor of this item. **Mr. Deichler** said no comments were received by the Clerk. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in favor of this item?

Matt Watkins, 4023 N. 111th St., said I had no idea Roberta was here, but it just so happens that Roberta fixed the button on this shirt. I drive a GMC Sierra. I have no problems getting in and out of her parking lot. I would support her 100% without having to think about the parking requirements that are required on these kinds of things. So, I would think that there is some level of support there for that. She provides a great service to our community.

Mayor Garner asked, is there anyone else in the audience who would like to speak in favor of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Mr. Deichler** said seeing none.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition of this item? **Mr. Deichler** said no notifications were received by the Clerk. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in opposition of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Mr. Deichler** said seeing none.

Mayor Garner said I will now close the public hearing. This will give the petitioner another opportunity to speak to the Commission if you so desire. **Mayor Garner** asked, do any members of the Commission have any comments or questions?

Commissioner Bynum said thank you, Roberta, for the service that you provide to the community in the many years that you've done that. It's really a wonderful thing if you haven't been out there.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2023-015 with the two changes: removal of the striping condition and the extension of the SUP to a 10-year term.**

Commissioner Townsend said I'm just wondering about the additional request for extension of time. Counsel, is there any reason, legally, that couldn't be awarded?

Patrick Waters, Acting Chief Legal Counsel, said no. Our ordinance gives the Commission discretion on the number of years.

Mr. Hand said I would also just note that a change to the Planning Commission's recommendation requires eight votes for approval. That is condition #2 that would be struck from the conditions of approval.

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

Item No. 5 – 212469...SPECIAL USE PERMIT APPLICATION SP2023-018 - CURTIS PETERSEN WITH POLSINELLI PC

Synopsis: Renewal of a Special Use Permit for live entertainment at Chateau Avalon Hotel at 695 and 701 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Curtis Petersen with Polsinelli, on behalf of the property owner, seeks to continue to operate live entertainment on the Chateau Avalon patio, outdoor event space structure and the State Room within the hotel and an event space at 701 Village West Parkway. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit SP2023-018, for five (5) years, subject to:

1. Live entertainment is allowed at the following locations on the property: the outdoor event space (A-Vent) east of the hotel, the outdoor patio north of the hotel, and the State Room within the hotel (as defined in SP2021-033) at the following times:
 - a. Sunday – Thursday: 11:00 AM to 11:00 PM;

- b. Friday – Saturday: 11:00 AM to 11:00 PM;
- 2. A liquor license must be maintained with the State Department of Revenue Alcoholic Beverage Control;
- 3. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 - a. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
- 4. In SP2021-033, the applicant reaffirmed that “alcohol will be served at some events. Kansas ABC has inspected the property and licensed the entire four (4) acres for alcohol consumption approval. Records are on file with the UG.”
- 5. Sidewalks shall remain clean and clear of trash and debris;
- 6. Alcohol can only be provided by licensed vendor;
- 7. Outside amplified speakers are only allowed at the outdoor patio event space;
- 8. 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. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking on another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 13. 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 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;

14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2023-018 for five years, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

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

Item No. 1 – 212477...AN ORDINANCE rezoning property at 915 Barnett Avenue (COZ2022-037) from R-1(B) Single Family District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-50-23**, “An ordinance rezoning property hereinafter described located at approximately 915 Barnett Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to RP-5 Planned Apartment District.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 212478...AN ORDINANCE authorizing a Special Use Permit for a group home/transitional housing (SP2022-092) at 915 Barnett Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-51-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a group home/transitional housing at 915 Barnett Avenue Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 212479...AN ORDINANCE authorizing a Special Use Permit for a Short-Term Rental (SP2023-003) at 4101 Fisher Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-52-23**, “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, to operate a Short-Term Rental at 4101 Fisher Street, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 212480...AN ORDINANCE authorizing a stealth telecommunications monopole tower (SP2022-066) at 715 North 16th Street submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-53-23**, “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, to build a stealth telecommunication monopole tower on a stadium light at Bishop Ward High School sports field complex and associated ground based supporting equipment at 715 North 16th Street, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call

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

Item No. 5 – 212484...AN ORDINANCE vacating right-of-way (VAC2023-001) at 438 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-54-23**, “An ordinance vacating a portion the northeast quarter the southwest quarter of Section 17, Township 11 south, range 25 east of the sixth principal Meridian, Wyandotte County, Kansas, described by Stephen I. Marino, II, PS 1380, on September 29, 2022, containing 21,622 square feet, 0.50 acres, more or less, located at approximately 438 South 26th Street, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 6 – 212485...AN ORDINANCE authorizing a Special Use Permit to operate an event center (SP2022-123) at 1957 North 63rd Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-55-23**, “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, to operate an event center at 1957 North 63rd Drive, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 7 – 212486...AN ORDINANCE repealing Ordinance No. 0-27-23 and enacting a new ordinance authorizing a Special Use Permit (SP2022-111) for a Short-Term Rental at 4112 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-56-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a short-term rental at 4112 Booth Street, Kansas City, Kansas; repealing Ordinance No. O-27-23 and enacting a new ordinance.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 8 – 212487...AN ORDINANCE authorizing a Special Use Permit for the continuation of tractor-trailer truck parking at the American Motel (SP2023-007) at 7949 Splitlog Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-57-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of tractor trailer truck parking at the American Motel at 7949 Splitlog Avenue, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 9 – 212488...AN ORDINANCE authorizing a Special Use Permit for a drinking establishment with live entertainment (SP2023-005) at 1639 Southwest Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-58-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a drinking establishment with live entertainment at 1639 Southwest Boulevard, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner**

Kane, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212470...CHANGE OF ZONE APPLICATION COZ2022-045 - CHAD SCHIMKE

Synopsis: Change of Zone from A-G Agriculture (WYCO) District to CP-3 Planned Commercial District to construct a self-storage facility at 13700 Marxen Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 212471...MASTER PLAN AMENDMENT APPLICATION MPL2022-026 - CHAD SCHIMKE

Synopsis: Master Plan Amendment from Planned Low-Density Residential (Prairie-Delaware-Piper Master Plan) to Planned Mixed Business/Commercial (Prairie-Delaware-Piper Master Plan) at 13700 Marxen Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Chad Schimke, is requesting a Change of Zone, Master Plan Amendment, Preliminary Plat, and Preliminary Development Plan for the operation of a self-storage facility that includes RV and outdoor storage at the subject property of 13700 Marxen Road. The proposal includes multiple self-storage buildings, an RV-storage area, and additional outdoor covered storage area. The current property is zoned for agricultural use and is agricultural land. The subject property has a total of 26.04 acres although only 8.27 acres are proposed for development at this time. This proposal is being heard in conjunction with BOZA2022-077 for variances related to minimum required parking in a C-3 zone. An approved Final Development Plan is also required. The Planning Commission voted 6 to 1 to recommend denial of Change of Zone Application COZ2022-045 and Master Plan Amendment MPL2022-026, as the project is incompatible with the neighborhood character as well as the Master Plan and the public infrastructure is not sufficient.

Case	
COZ2022-045 & MPL2022-046	
Petitioner	Address
Chad Schimke	13700 Marxen Road
Synopsis	
To rezone from AG Agriculture (WyCo) to CP-3 Planned Commercial District (City) and a Master Plan Amendment from from Low Density Residential to Planned Commercial/ Business Park (Prairie Delaware Piper Master Plan) to build a self-storage facility. PLAT 2023-001 was denied by the City Planning Commission at their May 8, 2023 hearing.	

Gunnar Hand, Director of Planning and Urban Design, said late this afternoon, staff received an email from the applicant regarding Change of Zone 2022-045 and Master Plan Amendment 2022-026 to withdraw this application. It no longer needs to be heard this evening.

Brett Deichler, UG Clerk, said I just want to verify that I'm asking Counsel if that's okay we move to Item 2 with those withdrawals, verbally. Okay. Thank you.

Action: **Withdrawn at the request of the applicant.**

Item No. 2 – 212400...CHANGE OF ZONE APPLICATION COZ2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.

Synopsis: Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District to convert an office building into a mixed-use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 2 – 212401...MASTER PLAN AMENDMENT APPLICATION MPL2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.

Synopsis: Master Plan Amendment from Regional Commercial (Prairie-Delaware-Piper Area Plan) to Mixed-Use (City-Wide Comprehensive Plan) to convert an office building into a mixed-use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, David Block with Block and Co., Inc., seeks a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Mixed Use (City-Wide Comprehensive Plan) to operate a mixed use development with ground floor commercial (retail and/or office) below 8-stories of one (1), two (2) and three (3) bedroom

apartments with on-site amenities for residents on 58.68 acres. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application COZ2023-001 and Master Plan Amendment Application MPL2023-001, including the requested deviations from the multi-family guidelines subject to:

1. The following requirements of the office towers conversion to mixed-use within the Mixed-Use Design Guidelines have not been met and the Planning Commission has approved the below requested deviations:
 - a. Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provisions of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.;
 - b. A minimum of 75% of the buildings should have a zero (0) foot setback;
 - c. On-site parking will be located behind the buildings;
 - d. The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - i. Transparent display windows
 - ii. Outdoor seating for dining areas
 - iii. Public art and pedestrian amenities such as fountains, benches, etc.;
 - e. In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street; and,
 - f. High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as premanufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required to 65% of the sum total of all buildings facades, except single-family houses, which shall have 25% of the sum total of all facades.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out-parcel site layout;
3. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive;
4. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line towards I-435 and connect to the future sidewalk/intersection;
5. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents;
6. Replace and repair existing curbs, pavement and landscaping;
7. Rideshare platforms (i.e., Uber, Lyft, etc. should be incorporated into this development as an alternative mode of transportation;
8. If not already provided, a Knox box shall be provided for KCKFD at the gated ingress/egress;
9. Record a deed to preserve the creek and open space to the south;
10. After preliminary conversations with Ryan Hurst, Interim Director, Department of Transportation, micro-transit is being studied within the Village West area in conjunction with employment centers in the area. Show the transit stop in front of the property on the site plan. A bench should be provided, but further discussions with KCATA is necessary to determine if

a bus shelter is warranted. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or rhurst@wycokck.org;

11. No direct access onto State Avenue from 10200 Abilities Way;
12. Replace any trees and shrubs that are dead or dying;
13. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line;
14. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. 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;
16. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
17. 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;
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. 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;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,

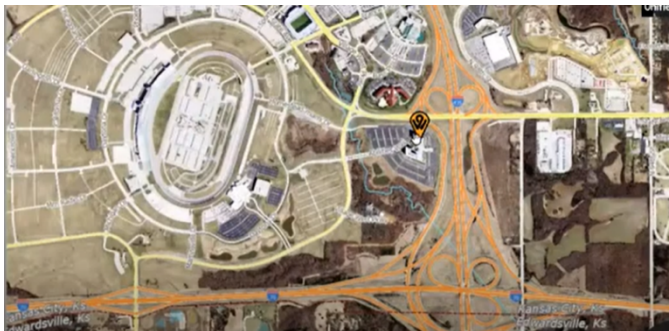
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition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

Case	
COZ2023-001 & MPL2023-001	
Petitioner	Address
David Block	10200 Abilities Way
Synopsis	
To rezone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Mixed Use (City-Wide Comprehensive Plan) to operate a mixed-use development with ground floor commercial (retail and/or office) below 8-stories of one (1), two (2) and three (3) bedroom apartments with on-site amenities for residents on 58.68 acres.	

Gunnar Hand, Director of Planning and Urban Design, said this case is being heard in conjunction with Master Plan Amendment 2023-001. This was held over from the April Board of Commissioners' hearing. This is in regard to the existing Cerner towers conversion to a mixed-use project.



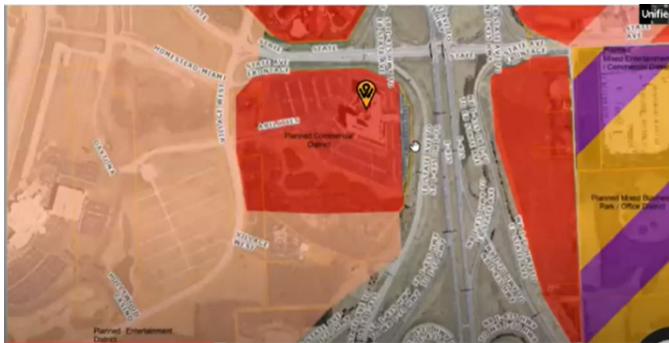
This is in the Prairie Delaware Piper area plan.



Staff had received no letters of support;



no letters of opposition.

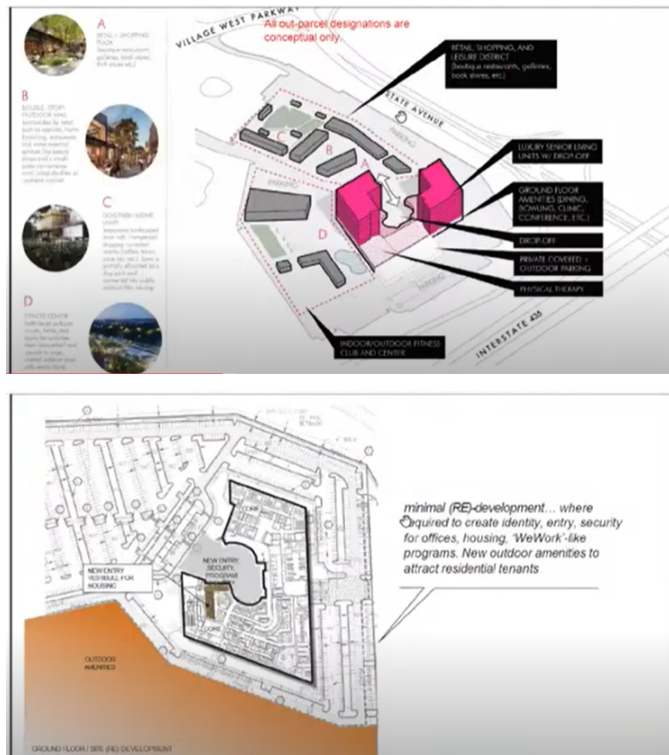


There are no notices of violation for this property. Staff agrees with the Planning Commission's recommendation of approval as it relates to compliance with the multi-family design guidelines.

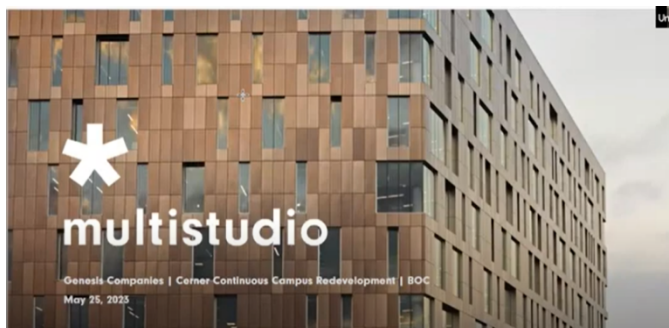


In the future, the mixed-use design guidelines and commercial design guidelines, as well as the need for a final development plan, if any of the rest of the site is developed at a later date.

May 25, 2023



Mayor Garner said I'll ask the applicant or representative to present the application.

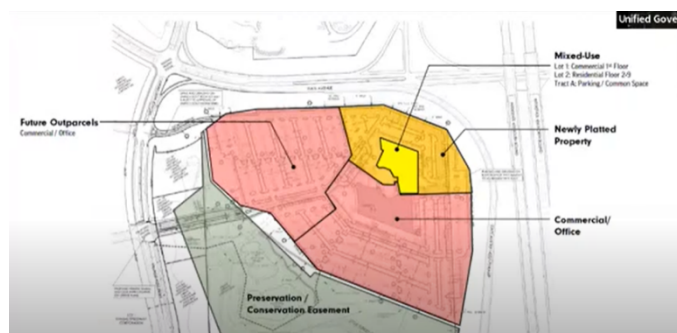


Philip Goforth, 4730 N. Hickory Ct., KCMO, said I am part of the applicant. Tonight, we wanted to bring some additional information and cover, basically, three main things that have been the focus of questions and concerns.

Number one is what the entire development is going to consist of in terms of the land use. We have a proposed plat to be able to show you, and then what the corresponding taxation of the development would calculate to. We put some estimates together to show a fairly, I think, concise plan for what that would be.

May 25, 2023

I have Multistudio, our architectural firm, here with us. I would like to ask Graham Smith, who is one of the land planners with Multistudio, to talk just a little bit about the proposed plat and the corresponding tax. After that, Katie Bean Smith will show you a little more detail about the actual development and you can get a good look at what we plan to do with it. I think that would probably help provide significant information.



Graham Smith, Multistudio, 4200 Pennsylvania, KCMO, said as was noted by the Planning Director, this is a future potential plat for the site as development continues to progress. Looking at the area shaded in yellow there—if you're familiar with the property, which I'm sure you are—that's the north tower. The one that we're proposing to convert to residential. The orange with the yellow would be the newly platted property to separate that out as a residential tower with the required parking. Adjacent, that yellow piece would actually be condominium platted into two separate pieces identifying the first floor as commercial and mixed-use and residential support, with floors two through nine being platted as residential. Tract A would be the parking to support.

We would separate out the commercial and office remaining with the south tower and the associated parking with that, and the out parcels for the parking area to the west that is no longer required as part of the conversion of the tower to residential. That would be platted off and identified for commercial and office development in the future.

With that, we've also prepared some tax estimates.

Current Parcel Categories				
Current				
Address	Assessed	Assessed	Rate	Taxes
Griffin Property Commercial	\$45,516,800	\$13,173,750	0.465589412	\$1,868,765
Proposed Values				
Address	Assessed	Assessed	Rate	Taxes
South Tower Commercial 1	\$25,000,000	\$5,000,000	0.465589412	\$2,327,947
North Tower Residential	\$80,000,000	\$5,750,000	0.465589412	\$816,679
New Outparcels Commercial 1	\$40,000,000	\$7,500,000	0.465589412	\$1,241,675
Total	\$145,000,000	\$18,250,000		\$4,386,299
Taxes after Abatement				\$3,571,269.89

Abatement				
Address	Assessed	Assessed	Rate	Taxes
Commercial 1	\$25,000,000	\$2,500,000	0.465589412	\$465,714
Residential	\$80,000,000	\$12,500,000	0.465589412	\$2,881,528
Total				\$3,347,242

Rates for 2022 on 2021 value
 Commercial assessed at 2.0%
 Residential assessed at 1.15%
 Proposed abatements and values per 1/21/21 meeting with developer

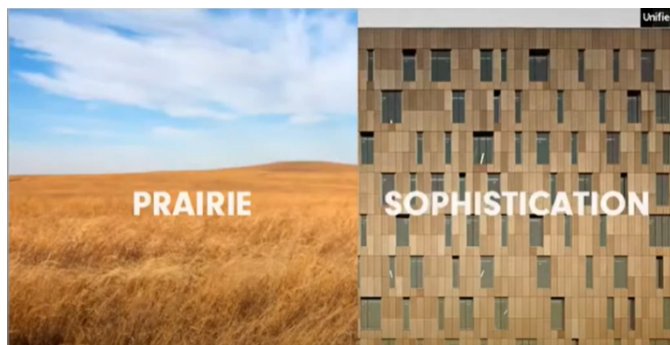
Mr. Goforth said these are the estimates. We did meet with the Assessor's Office to develop these estimates to make sure we're using the correct calculations; all the right mill levies. What it shows is currently, you have an appraised value of \$45M; just north of \$45M. That's receipts of around \$1.8M, a little more then. Our proposed development will significantly increase the total valuation of the property. It shows the increase in total taxes. On the right side, in kind of the yellow area, the abatements that we would intend to work through, through a development agreement. So, it's basically a 50% on the new commercial portion, which are the out parcel developments and then the residential portion. So, 50% on those improvements.

Total, you can see that even after abatements, we go from current tax receipts of about \$1.882M to \$2.3M. Those are the estimates that we've been able to develop based on what we intend to develop here.

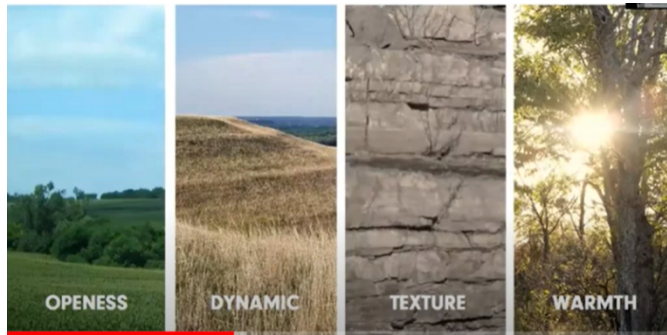
I will allow Katie Bean Smith to come up and go through the presentation on a little more visual aid of the project.



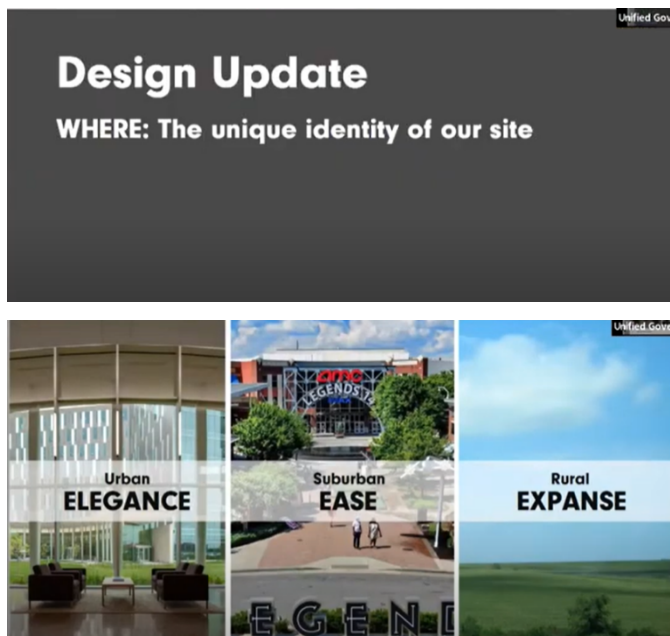
Katie Bean Smith, Multistudio, 4200 Pennsylvania Ave., said I'm excited to share some of the earlier conceptual thinking the design team has been engaged in to start the outline, the potential for the design intent, and the residential experience available at this site.



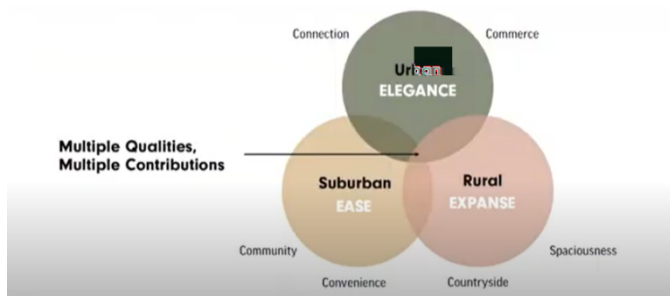
We're inspired by this guiding concept which we're referring to as prairie sophistication. This is kind of an inspiration for the team which aspires to take the sophistication inherent in the existing structure and the site of the surrounding prairie.



We're inspired by the surrounding context, the openness, the dynamism, and the texture, and the warmth of the prairie itself and how we may begin to infuse those characters into our design.



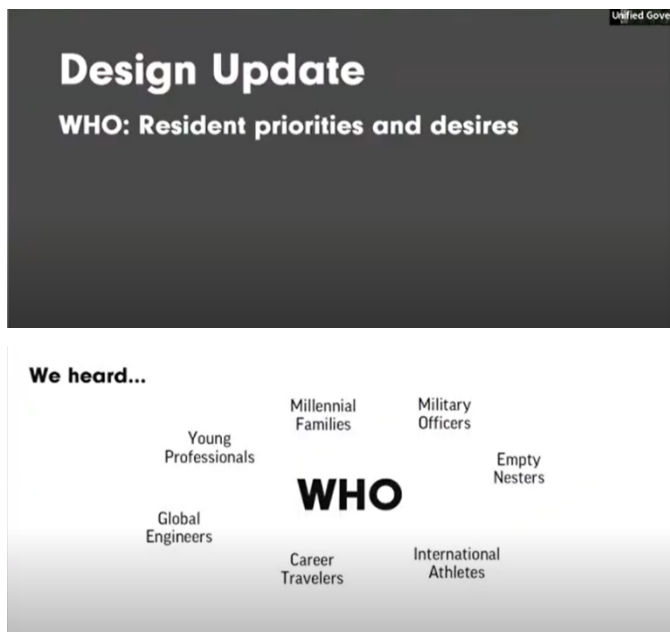
We also acknowledge the kind of unique identity of this site. It's got a three different kind of almost identities and personalities as we think of them: an urban quality and elegance to the existing structure, an ease to a lifestyle and quality of life that can be found in suburban areas, then adjacent rural expanse.



So, we're inspired by all of those multiple qualities and contributions. We believe there's a real unique opportunity and a real synergy at the intersection of each of those qualities.



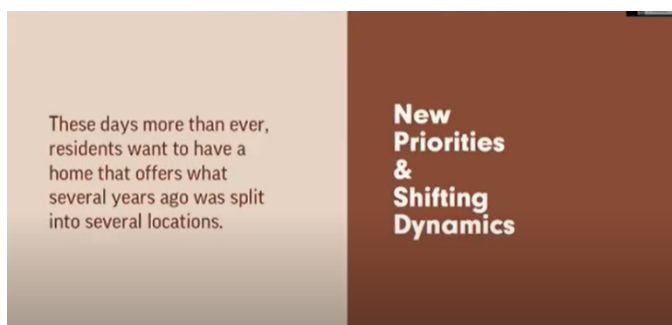
What we have is a tremendously unique opportunity for the area and the region for people to live where they can take advantage of each of those three qualities and really take the best of all of those worlds and still find themselves 20 minutes to everywhere.



When we start to look at who the resident might be that might be drawn to this mixed-use area, it may be anybody ranging from young professionals, military officers, global engineers



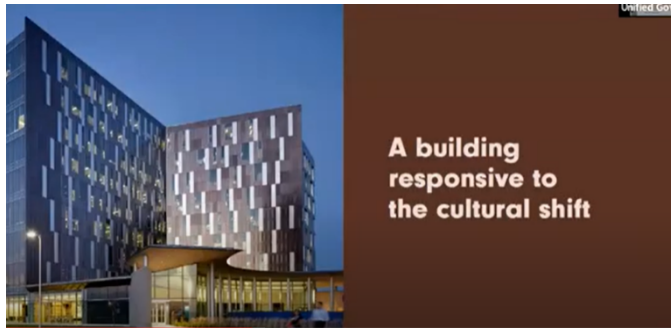
of great diversity and distinct demographics. What we can chart are their shared and mutual desires.



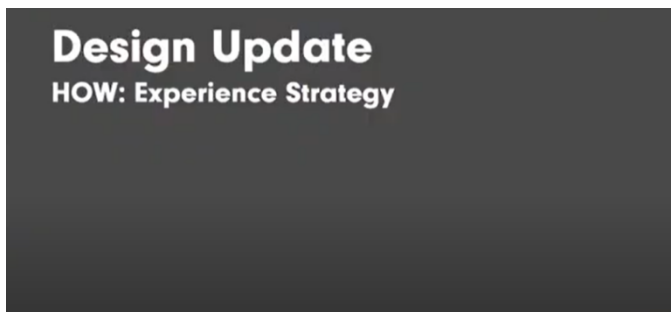
These desires we're looking at them in the ways they're shifting and the way their priorities are emerging. These days more than ever, residents want to have a home that offers what only several years ago was split into several distinct areas and locations.



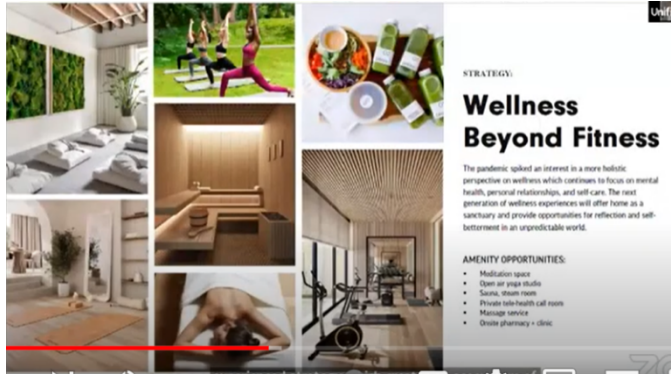
When we look at what they really want, they're after an improved sense of well-being, a better balance between life and work, and increased connection to nature and all supported by a spirit of maintenance-free living.



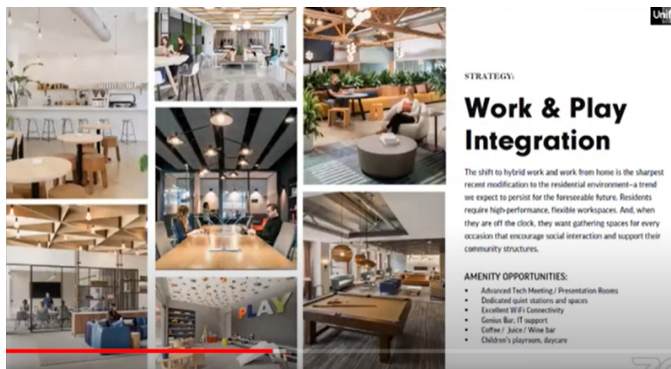
We believe we have a unique opportunity to respond to those priorities and those shift in culture with a building that can really deliver and satisfy all those known desires and respond to the unique qualities of our site.



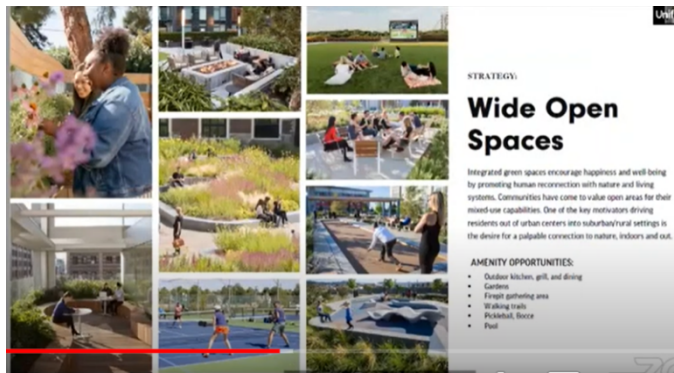
So, inspired by those known desires, we imagine an experienced strategy which creates an ecosystem of spaces and services on the site that are unique, mixed-use, and high quality.



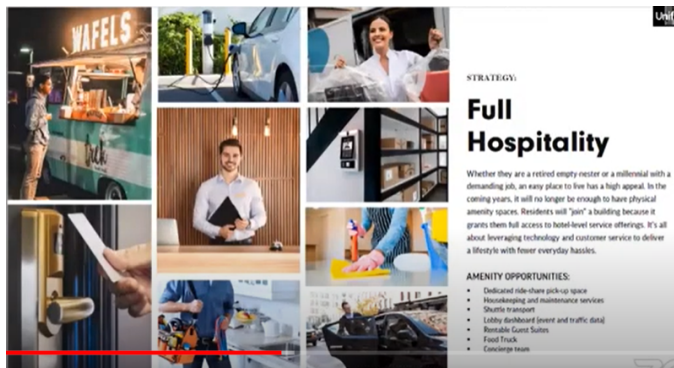
The first one in response to the known desire for an increased sense of well-being, we imagine a suite of amenities and offerings that offer wellness beyond fitness. We know that in the pandemic, people spiked an interest and perspective in wellness that really looks beyond fitness, that looks more holistically toward mental health, personal relationships, and self-care. We imagine a space that offers sanctuary and provides opportunities for reflection and betterment in an unpredictable world.



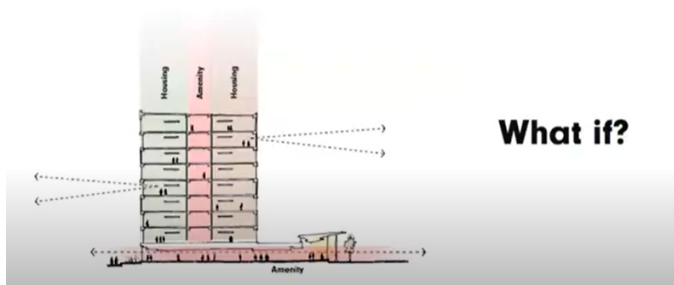
Second strategy delivers on work and play integration. We know that the shift to hybrid work and to work from home is perhaps the sharpest recent modification to both the residential environment and the work environment, for that matter. It's a trend we expect to persist into the future. Residents are looking for high performance, flexible workspaces in their home, and when they're off the clock, they need gathering spaces for all sorts of occasions that support social interaction in their community structures. We imagine a space in a building that will do just that.



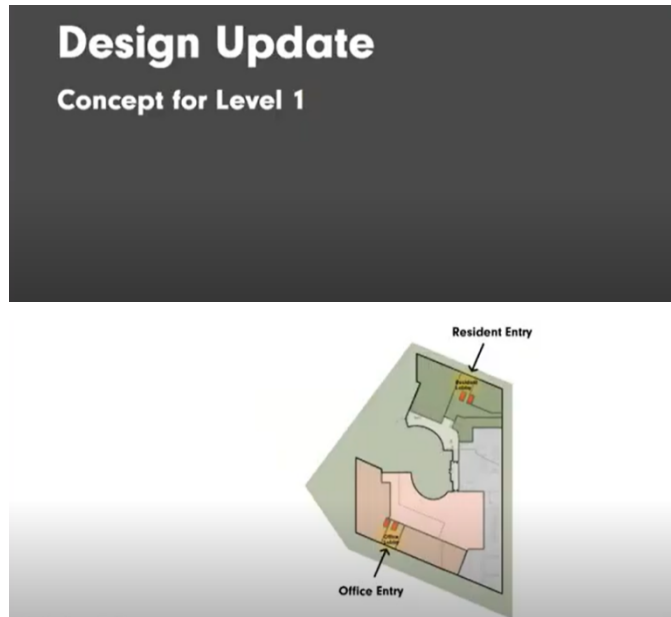
Wide open spaces, a strategy responding to the need for deeper connection to nature and here, in connection to the prairie, we have a tremendous opportunity to deliver on just this. We know that humans want integrated green spaces. It encourages happiness and well-being. It's a great reason that are driving folks out of the urban core into these more suburban and rural adjacent areas. They want that palpable connection to nature in the indoors and we intend to draw that connection through the site design.



Finally, all of these kind of intents supported by a spirit of full hospitality. Everybody from empty nesters to millennials are drawn to a lifestyle which is basically marked by fewer everyday hassles. We imagine a suite of spaces and services that helps deliver against that.



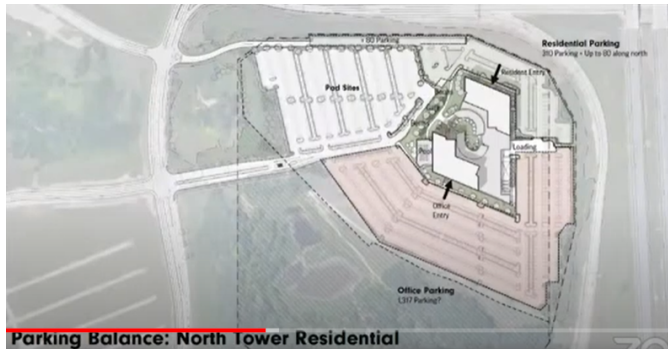
These amenities, experiences, and offerings will be threaded throughout the building, the lower level, and indeed the site on the whole for a true mixed-use delivery.



As you can see,



this is the overview of both towers. You can see we start to weave in the commercial, the residential, and the amenity offerings into that ground level



and even start to permeate into the exterior space connecting to the second tower into the surrounding pad sites for a common experience and spirit across the entire development.

Mayor Garner said I'll now open the public hearing and ask the Clerk if there are any notifications received from the public who wish to express their comments in favor of the item. **Mr. Deichler** said no notifications were received by the Clerk. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in favor of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, is there anyone joining us virtually who'd like to speak in favor of this item? **Mr. Deichler** said seeing none as well.

Mayor Garner asked, Clerk, have you received any notifications from the public who would like to express their opposition of this item? **Mr. Deichler** said no notifications were received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who would like to speak in opposition of this item? **Mr. Deichler** said seeing none as well.

Mayor Garner said I will now close the public hearing and allow the petitioner to make some closing remarks.

Mr. Goforth said I hope we've been able to at least demonstrate and provide more information to answer the question what the project's going to be and why we think it makes so much sense to have the mixed-use rezoning so that we can use this amazing building.

We focused a little bit more on the residential tonight because, I think, we're all familiar with the look of the office and the feel and what it is today and how that south tower will remain office and commercial as it is. So, there wasn't a real need to focus on that.

I think the opportunity is in combining the use of the property and take back some of that excess parking lot out there and make a great space out of it with other future commercial, retail, and entertainment development pads and incorporates into a great community for both the live and work environment that, I think, we see the trend of all throughout the country.

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

Commissioner Bynum said first of all, for me, I'm grateful for the time that we spent between last time you were here and now. I feel like I have more information. I really appreciate the presentation on the look and feel.

I have to admit, and I hate to, I didn't understand your text chart at all, like did not understand it. So, I wonder if we could just put it back up and walk through it. Can somebody walk us through it? It was part of, I think, our concern when you were here last time. We had this conversation about potential loss of tax revenue. I just don't know what any of this means. So, anybody who can help. I'd really like to hear it.

Mr. Goforth said yeah. Happy to go through this in a little bit more detail.

Former Center Campus						
		Current				
Entire Property	Commercial	Assessed	Assessed	Rate		Taxes
		\$45,502,000	\$11,375,700	0.105509411		\$1,882,795
Proposed Values						
South tower	Commercial 1	\$20,000,000	\$5,000,000	0.105509411		\$627,547
North tower	Residential	\$50,000,000	\$5,750,000	0.105509411		\$952,679
New Outgrowth	Commercial 2	\$18,000,000	\$1,500,000	0.105509411		\$1,212,323
Total		\$100,000,000	\$12,250,000			\$3,792,549
				Taxes after Abatement		
				\$2,322,269.49		
Rates for 2022 on 2023 value						
Commercial assessed at 3%						
Residential assessed at 3.5%						
Proposed abatements and values per 5/23/23 meeting with developer						
Abatements						
		Cost of Investments		50% Abatement	Assessed	Rate
						Taxes
Commercial 1		40,000,000		20,000,000	0.105509411	\$413,719
Residential		90,000,000		31,500,000	0.105509411	\$285,500
Total						\$699,219

This is a spreadsheet that the Assessor's Office helped with, so he just broke it into three categories for us. The first one under the kind of blue title, Current, that just shows where the property's at today. Today's current appraised value is \$45M. The assessment then is \$11M. On that current rate, the receipts are \$1.8M.

For our proposed redevelopment, we are going to add significant improvements to the property, so those improvements will be taxed as well as the existing building. By doing that, we increase the appraised value significantly, almost double it. So, the assessment comes to \$18.2M. At that mill levy rate, that produces a total tax of over \$3M versus the current \$1.8M.

In order to make our economics even close to being realistic, we will have to have some sort of development agreement wherein we get—we're asking or we'll propose at some point, this abatement here. So, in full transparency, we want to put all this up at one time so that you could look at the net effect. The abatements that we would intend to discuss would be a 50% abatement on the improvement portion of the residential and the new commercial that would go in the approximately 11 acre area that we gain by having the residential. Without the residential, we don't have any new development in the out parcels. If it's all office, it stays the same.

By doing that and having that additional, us having those abatements, you kind of take the new tax of \$3M, less the abated portion, comes to a net effect of \$2,321,000 which exceeds by \$400,000 and change, if you will. So it exceeds the current receipts by a good portion.

Commissioner Bynum said okay. I think I can get there with you. I mean, I feel like they're vacant. As it sits right now, is not beneficial to this community. Vacant and owned by the entity that owns it, as it sits right now, is not an entity that, I think, cares about this community.

Commissioner Bynum said what I'm pondering is, and it's probably a question for Legal and Mr. Hand because what I've been thinking about is, is there a way within an approval that we would seek tonight to build in some steps that might normally be in a development agreement or steps that reach over to the development agreement if this, then this? You've told us now you'll come back through the economic development process. You'll be working with us to create a development agreement, and through that, you'll be asking for tax abatement. **Mr. Goforth** said yes, that's correct.

Commissioner Bynum asked, so can we (inaudible) components of that into a change of zone request?

Patrick Waters, Acting Chief Legal Counsel, said once a change of zone is approved, it gets published and that's final. The zoning is changed. You can't really take it back. You can impose what we call monetary exactions as long as they are reasonable. We put some stipulations in terms of requiring applicants to construct certain items as part of their approval. So, an exaction that requires a monetary contribution or some type of construction, those are allowed. I think what I'm hearing you say is—I guess the question is, are you saying, can we tie this change of zone to the future approval of a full-fledged development agreement? I don't know how to do that because once it's changed, it's changed.

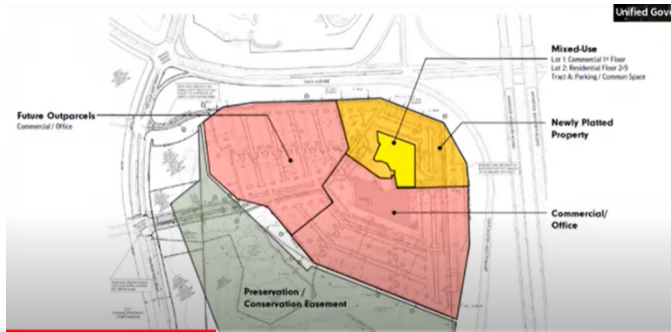
I think this can in form your vote and, obviously, they did a lot of research and talking with our Appraiser so, I think, to the extent that the Commission looks at this and they think this is a reasonable ask and, I think, that this is something that you would consider down the line, certainly we have an IRB application process and they can get started on that, but we can't condition it on a future development agreement.

Commissioner Bynum said okay.

Commissioner McKiernan said, Mr. Goforth, this is why I wanted the numbers early. This is a lot to wrap my brain around. I'm kind of slow on the uptake so, sometimes it takes me several times through this to understand this. Mr. Waters, what I'm hearing them say tonight is that they are already contemplating a future development agreement of some sort that would include the abatements that you calculate in. Even though it's just a change of zone tonight, you're already thinking ahead toward that development agreement, right? You're already thinking ahead toward the tax abatements on the increased value. Is that correct? **Mr. Goforth** said yes. We've done all that math in our documents and performance to figure out what we...

Commissioner McKiernan said but the change of zone that we're being asked to make tonight actually does not force or encumber that in any way; the investment. So, we could make the change of zone tonight but without a development agreement, without some sort of real plan for future value, future taxes, everything's just speculative tonight, correct? **Mr. Goforth** said, well, there has to be a final development plan that would come back and that would coincide with the rezoning that we are showing. **Commissioner McKiernan** said right.

Commissioner McKiernan said I'm looking at this map. I'm a simple man. I'm just trying to figure stuff out here. You've broken this up into three areas. You've got your residential. It actually, because the labels you've used on that Excel spreadsheet, don't match the labels you've used in your colored PDF, it's a little bit hard to go back and forth and estimate what's what, what's what, what's what.



It looks like what you call Commercial-1 is the south tower. Residential is the north tower in orange. Then the new out parcels, Commercial-2, is that which is all parking lot; nothing improved so far. **Mr. Goforth** said correct, yes.

Commissioner McKiernan asked, what's the timing of all this once you finally get started? What you're saying to me is if we do this and we execute this then there's going to be increased taxes that are going to come to the Unified Government because we're going to make improvements on this. What's the timing on those improvements because as I look at it, it would seem to me that what you call mixed-use in your map and what you call residential in your spreadsheet, would be the first thing. Would that be correct?

Mr. Goforth said the first improvements that would happen would be the construction of the residential tower. There would be some modifications of the office as well to accommodate...

Commissioner McKiernan said the first thing would be the residential north tower. You have projected—I've tried to break it out. Even though you sent it this morning—I've been in meetings all day. I haven't had a chance to really look at it—I've been trying to break out a little spreadsheet here and say well, if that's 40% of the present value, and that's 40%, and that's 20% and trying to look into the future. What's the buildout time on that residential tower for the increased value is realized and we get the additional taxes?

Mr. Goforth said approximately 12 months. **Commissioner McKiernan** said from the time it's approved which is somewhere still down the road. **Mr. Goforth** said from the time, well, I don't think the residential mill levy rate would go into effect until it had a certificate of occupancy. **Commissioner McKiernan** said correct. I'm trying to estimate in my mind, how many months down the road is it before we realize the additional taxes that you say we're going to get from making this move? **Mr. Goforth** said it would be the same taxes during construction. After construction, then the assessment of those improvements would be made so that's about a

12-month construction period. So, from the time we start, have a permit, that's about 12 months of construction. Then whatever the assessment time is, that reassessment would occur.

Commissioner McKiernan asked, would this property be broken up into three zones prior to the commencement of any renovation or reconstruction? **Mr. Goforth** said we would propose—what we normally see is that when we replat something is that we would have a final plat recorded before the certificate of occupancy is issued.

Commissioner McKiernan asked, with the total taxes on those three plats, the subdivisions of the current parcel, equal what the taxes are of the current parcel? **Mr. Goforth** said yeah. As it is now, right. It wouldn't change at all from what you're currently getting. Once the residential piece was done, there would be some boost from just the residential piece. Then, of course, the out parcel piece wouldn't experience any increase in taxes, obviously, until those improvements were made and those buildings were built, which would be subsequent to the residential.

Commissioner McKiernan said, again, this is what I kind of don't understand here is if the residential rate is lower than the commercial rate and the value stays the same, doesn't the taxes collected fall when you break that off and make it residential? **Mr. Goforth** said no, because you're taxing a \$30M improvement. **Commissioner McKiernan** said but only after you make that improvement. **Mr. Goforth** said yes. But until that time, the taxes don't fall. They stay at the current commercial rate because the residential mill levy rate wouldn't kick in until that residential certificate of occupancy was completed.

Commissioner McKiernan said so on the south tower, Commercial-1, you've projected all sorts of neat numbers here. How long until that's done? **Mr. Goforth** said on the south tower, that's going to remain office so there's maybe somewhere between \$5M and \$8M of improvements that we probably will make, based upon what tenants come into that space.

Commissioner McKiernan asked, the out parcels that you label Commercial-2, that's just flat ground right now? **Mr. Goforth** said that's correct. **Commissioner McKiernan** said so that would then be taxed as flat ground. **Mr. Goforth** said I can't speak to that. I guess I'm not sure how that would be taxed. It's currently a commercial lot. What's in green is the only thing that's

currently zoned as agriculture. That parking lot would still be zoned commercial so, I assume that land value would be taxed at the commercial rate.

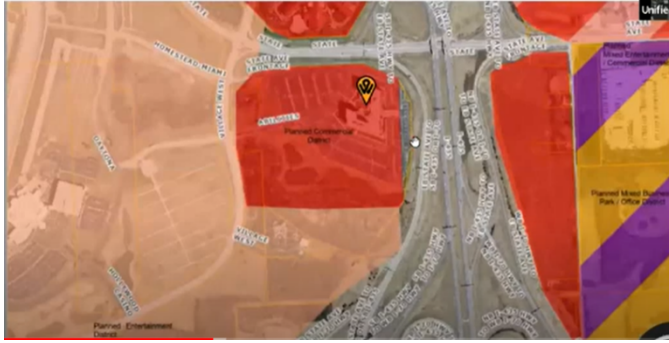
Commissioner McKiernan said maybe somebody here can help me on this. I'm just assuming that once you break this up into three parcels that the aggregate value of everything is the same as it is now. This is 40%, that's 40%, and this is 20%. **Mr. Goforth** said no. Where the improvements exist, meaning the buildings, the majority of the tax is driven where the improvements are. The parcels where the buildings are will be the majority of the tax.

Commissioner McKiernan said I appreciate you trying to take me through this. I will just say that in the amount of time that I've had to look at these numbers and try to wrap my brain around what it is you propose, what it is we, as a community, will gain from this, I have not had any success in getting there.

Commissioner Burroughs asked, Mr. Goforth, how many apartments are you projecting to put into the north tower? **Mr. Goforth** said about 230. **Commissioner Burroughs** said I want to say thank you for your transparency on telling us ahead of time that you would be coming back looking for incentives in which to negotiate in the contract. It's not uncommon, I would assume, that some of the standard requests will be made.

The 50% abatement for 10 years, I think what I heard my colleague talking about was the loss of revenue. Trying to find out how not only how much we're going to gain in increased value, but potentially how much we're going to lose in the abatement. It's kind of hard to determine those dollars when we don't know the true value of the investment and the amount of dollars that will come in from that and depending on the incentives that are put forward.

Commissioner Burroughs said I want to ask a couple of questions. The entire project, you're asking for all three parcels to be rezoned, correct, or just the one parcel in yellow?



Mr. Goforth said no, it's the entire property that would gain the classification of mixed-use. We're just simply designating the uses with the parcels and creating the separate parcels that would be taxed individually. So, it's showing what's commercial and then what's residential.

Commissioner Burroughs said so you anticipate with the mixed-use that the south tower will be the commercial facility. **Mr. Goforth** said the offices. **Commissioner Burroughs** asked, are these going to be work from home offices being they're connected to the apartment complex that's joined in physically? **Mr. Goforth** said I think there'll be a very small portion of that. There will be some of that sort of co-working space available, but it's not contemplated to be a very big portion.

Commissioner Burroughs said I think we heard in initial presentation by your organization, potential retail that might go into the parking area and/or residential development that might go into the parking areas that's presently the parking areas. **Mr. Goforth** said no residential; only commercial. **Commissioner Burroughs** said so the only residential will be in the tower. **Mr. Goforth** said that's it. **Commissioner Burroughs** said 237 rooms did you say. **Mr. Goforth** said 230. We have a couple of different versions right now. Anywhere from 224 to 232, depending on how we lay them out.

Commissioner Burroughs asked, when do you think your investment will be? Did you say a \$30M investment? **Mr. Goforth** said well, yeah. That's just the improvement portion, at a minimum. We have a couple of construction estimates now from highly qualified contractors and \$30M is going to be the minimum improvement we make in that tower. **Commissioner Burroughs** asked, they'll all be market-rate apartments, I'm assuming? **Mr. Goforth** said that's correct.

Mayor Garner said I see we've got Mr. Kindle here. Would you come forward? I've got a couple of questions for you. Greg Kindle, he's our Wyandotte County Economic Development Corporation. He partners with the Unified Government on development projects like this.

Just based on what you know, I know you've been following this project. You spoke last time to it and you've had a chance to follow it to where we're at today. Just maybe give your assessment of these presentations and the information you've gathered in between these meetings and share that with the Commission.

Greg Kindle, President of the Wyandotte Economic Development Council, said I'm in full disclosure. The client team and I have had no conversation since I was last here. They did not reach out to me, and I didn't want to create any conflict between the conversations I knew they were having with you. I only just received the same information that you had on the screen a few minutes ago. I've not backed into them but on face value, I wouldn't say that they're wrong.

I think what I remember telling you all in our last meeting is that assuming that all things were built out, the Unified Government comes out ahead in property tax dollars. This actually doesn't contemplate the sales tax opportunities so those numbers could actually grow from what they gave you. The issue here, if you're just looking purely at tax dollars, is the other taxing entities probably do lose in the long term. Eventually, it will catch up. I haven't modeled it out for 15 years, but that's probably the bigger issue here.

In the short term, if everything is built out as they have shown, my modeling shows that the UG does make out better in terms of property taxes and sales taxes, but you do need to have a strong development agreement in place defining when you want things built out by. That creates a win-win situation for them based on the market, but that makes sure that things get built in a timely fashion so that you don't, in fact, end up five years down the line and not have those sales tax dollars to sort of beef up the tax collection.

Commissioner Johnson said this is for maybe Legal or maybe even Mr. Hand. You know I've been contemplating a commercial community benefits opportunity when we look at projects like this. It would kind of spurred my mind that we talked about the number of these will all be market rate apartments. I'm wondering would this be a situation where we could have some type of requirement in, and I don't know where it would be in the development agreement, but I want to

put the marker there at least that we consider some type of marker there for affordable rate apartments also that would come as a result of this. Just kind of help guide me through that if you could.

Mr. Waters said even though we don't have a formal ordinance on the CBO yet, as we did with the Lanier deal, we structured in an affordable housing component on that specific project. We can do that project by project even before we have a formal ordinance.

Commissioner Johnson said I would like for my colleagues to at least consider that as we move forward with this.

Commissioner Bynum said the Lanier project and, then prior to that, the Scavuzzo's project are the ones that were in my mind as I was thinking about what I was proposing earlier that there were timelines. I'm gonna circle back to that because I wonder if there's any language that could be placed in the change of zone that talks about timelines for getting started. I realize those, most often, are in a development agreement. Is there anything we can tie into a condition of approval that maybe helps me have the confidence that the project will be built out? That's what I'm looking for.

Mr. Hand said, again, I think Legal Counsel addressed that earlier. **Commissioner Bynum** said I was hoping if I asked it again and a little bit different.

Mr. Waters said, Commissioner, I think the problem is, what's your remedy? If you're only doing it through the change of zone, again, you can't retract that change of zone. In a case where you impose like a monetary exaction, you could at least sue for damages on that; but failure to enter into a future development agreement, I don't know what your remedy is when the change of zone's been approved.

I think if the Commission is generally in favor of doing a future IRB structure and they're comfortable with that, we have a fairly quick process that we can do that. That's something we do quite a bit. You would be in control of that process from here on out. It looks like the developers kind of told you what they're asking for already, but I don't know how we do that through a stipulation here. I think that's something that we would start on tomorrow through the ED&F process, if you chose to go that way.

Administrator Johnston said Patrick and I have talked about this various scenario is that what we've seen in the press, I think to get to what Commissioner Bynum was hoping for, is usually you start with a development agreement where the condition is, if you get zoning. We can't do the converse because land use is a separate entity. So, you'd have to have the contractual obligation through the development agreement first, and then it would be a requirement after the zoning change gets done and then it's placed on that property. I think that's clear. We can't do one way. We could do one way but it's still conditional. But what we have before us tonight is an active application that we need a decision on based on just land use zoning. Is that correct, Counsel? Great. Thank you.

Mayor Garner said just for clarity for me, what group are you with? Who's the partner or the developer? **Mr. Goforth** said I am Genesis Companies. We are a joint venture partner with Block & Company for this development together.

Mayor Garner asked, do you currently own the property? **Mr. Goforth** said no. The property is currently under contract with Oracle.

Mayor Garner asked, is that contract contingent upon this Commission's action tonight, if you can share that? **Mr. Goforth** said the contract, yeah, basically if we didn't get rezoning, we would just cancel the contract.

Mayor Garner said so it will remain in the hands of Oracle. **Mr. Goforth** said yes, that's right.

Mayor Garner said so correct me if I'm wrong. I don't want to speak for you. You are merely trying to purchase this property from Oracle, correct? It currently is the current owner of the property, correct? **Mr. Goforth** said that's correct.

Mayor Garner said you have a plan and a vision for that property, correct? **Mr. Goforth** said yes. We've spent a lot of money on it already.

Mayor Garner said so, you're just seeking the first step which is a change of zone that can get you to have the conversations about abatements; about what's going to be approved as far as a development agreement; about what the final specs, terms, conditions, layout, amenities, affordable housing or not, whatever the case may be that may come up later. You just want the ability to have some level, I guess, of security before you make such a huge investment, I guess, \$45M plus is what you're saying you want to invest in buying this property from Oracle. Is that

what you're telling me? **Mr. Goforth** said yeah. It's a \$100M plus investment. We're at the point where if we don't understand that we can have this appropriate land use, we're at a stopping point. There's no way for us to continue spending money going forward making plans on something that we don't have available to us.

Mayor Garner said, so you're telling this Commission and the public that you're willing to make upwards of \$100M investment to acquire this property and to seek, which isn't guaranteed, but you're willing to at least invest in acquiring the property to seek some type of approval of a redevelopment proposal moving forward for that land, correct?

Mr. Goforth said yes. Our contract is out a few more months. If we don't get approval to be able to move forward with a development agreement and have an understanding with the city, the contract we would cancel it because there's no way for us to move forward with it. Yes, if we got the approval, then we immediately would start working on a final development plan consistent with what we're showing. We would want to be able to have that done before the final closing because we don't want to spend that unless we have an agreement and this is what we're going to do. If we brought a final development plan inconsistent with what we're showing, we would understand that final development plan would be rejected.

Commissioner Markley said I think, Mayor, that you and I were headed on the same path. I really just want to kind of say what's floating around in my own head. What I'm hearing and feeling myself to some extent is that this Commission is thinking gosh, this seems like we're kind of giving away the keys to the castle and then what if stuff happens that it isn't what we like. I guess what I'm thinking, maybe more from the attorney side is, what he's made clear tonight is that he needs rebates. To get those rebates, he has to come back before us. We know the kind of things that we're concerned about having happened here, that are not the things that we want. We know we're not giving him rebates if he comes back with a development plan that doesn't give us what we want.

So, I'm feeling the same thing that some of you guys are feeling. I also see where we still have really all the control over this situation because this guy doesn't want to build this project with no rebates, I'm guessing. We control whether he gets those rebates which means we control what the final site is going to look like as it's developed.

Mayor Garner asked, is that correct? **Mr. Goforth** said yes. I agree with her assessment.

Commissioner Davis said maybe I just missed this but can we go back to the page with the 50% abatement.

Former Cerner Campus											
Current											
Entire Property	Commercial	Assessed	Amount	Rate	Taxes						
		\$45,502,800	\$11,375,700	0.10509411	\$1,882,785						
Proposed Values						Abatements					
						Cost of Improvements	50% Abatement	Assessed	Rate	Taxes	
South Tower	Commercial-1	\$20,000,000	\$5,000,000	0.10509411	\$627,547	Commercial-2	40,000,000	\$10,000,000	0.10509411	\$411,710	
North Tower	Residential	\$50,000,000	\$5,750,000	0.10509411	\$951,479	Residential	80,000,000	\$15,000,000	\$1,225,000	0.10509411	\$285,550
New Outpatient	Commercial-2	\$30,000,000	\$7,500,000	0.10509411	\$1,243,311						\$699,277
		Total	\$100,000,000	\$18,250,000	\$3,822,337			Total			
Taxes after Abatement					\$2,321,269.49						
Rates for 2022 on 2023 value											
Commercial assessed at 25%											
Residential assessed at 11.5%											
Proposed abatements and values per 5/23/23 meeting with developer											

Maybe I just missed this, but on the proposed value side, we have Commercial-1, Commercial-2, and then residential. On the abatement side we just have Commercial-2 and residential. What happened to Commercial-2? Is that included in the new residential? Are you following me? Under the proposed values, right, you have Commercial-1 south tower, residential north tower, Commercial-2. In the abatements, you just have Commercial-2, residential. **Mr. Goforth** said correct.

Commissioner Davis said there's not a Commercial-1, right? **Mr. Goforth** said the Commercial-1 will be the south tower which will remain office and there would not be any requests for any abatements on that office tower. The abatements only apply to the improved areas. **Commissioner Davis** said gotcha.

So in the taxes after abatement, are all three included, both the two contemplated abated properties and the non-abated property? **Mr. Goforth** said that's correct. It's the net of the total increase and then after any abatements, that \$2.3M is the net effect. **Commissioner Davis** said okay. That was very, very helpful. That was not necessarily made clear. I think that's where we are all like what does this necessarily mean.

Commissioner Davis said the Mayor kind of hinted toward this. Can you, and I understand there's some things you may not be able to disclose the relationship between Oracle, who acquired Cerner and this building, is they want to get rid of this building. **Mr. Goforth** said that's correct.

Commissioner Davis asked, have they given you all a particular timeline by which they would want this building disposed of? **Mr. Goforth** said our contract essentially expires in early fall. **Commissioner Davis** said early fall so you are really, really close. That contract is basically Oracle saying to you all, we will sell you the building.

Commissioner Davis asked, have they made it conditional that you all get a development agreement and all of that in place, or you all saying that is our deadline and we prefer to have all of this stuff, I's dotted, T's crossed, before we make that transaction with Oracle? **Mr. Goforth** said to summarize that. Basically the contract says that if we're not able to have the land use that we need to make it a feasible project, that we will cancel the contract and they start over. **Commissioner Davis** said I see. That provides a good level of clarity for me as far as what that relationship is.

Commissioner Davis said I hear the concerns, particularly on the school district. I think in this case we're talking about USD 500, but this would also impact our library. It would also impact KCKCC and then, of course, USD 500. I understand those particular concerns and I share those concerns. I would submit to my colleagues, and I'm in agreement with Commissioner Markley, that we hash this out at the development agreement and we get community benefits out of this. If we are concerned about our education entities losing revenue, then maybe we negotiate housing for teachers or housing for folks that work at the college or student housing, whatever. Same with child care, same with affordable housing. I would really recommend that we focus on that part.

We were talking about the development agreement and that would be my preference. I'm sure you all recognize this, and I said this in our meeting, that while we were talking about the technicalities, the change of zone, this building holds very sentimental and cultural significance to our community, which I'm sure you and your team understands that it represents a lot about the transformation about Wyandotte County. So, I hope that you all would continue to keep that in mind if we do continue this relationship.

Commissioner Burroughs said this is a question for Legal. I'm kind of a little bit concerned about the direction we're going because this is a zoning issue and we've gotten into making it contingent on being able to negotiate from our positions here by putting demands on the developer as to what we want. If you're not willing to do it, you're not going to get your zoning. So, I just want to ensure is that what I'm hearing? If it is, I think we've gone past our legitimate position here, as commissioners, and looking at just the zoning aspect of this agreement.

Mr. Waters said, Commissioner, I would say at the end of the day, you're looking at the golden factors like you would on any other planning and zoning case. The factors that are in the

staff report are what should guide your decision tonight. Beyond tonight, it looks like, if it does advance, we would have additional discussions in a different format. But you're right. Ultimately tonight is based on the golden factors.

Commissioner Burroughs said, Mr. Goforth, first I just want to say that one, I appreciate your willingness to invest in Wyandotte County. We have two buildings that are sitting vacant presently in the largest economic development portion of our community that's bringing a tremendous amount of tourism. I would love nothing more than to see those apartments up and some commercial going on prior to the World Cup coming to our community so that we can showcase our community in a positive way and not see derelict buildings sitting on the side. Upwards of \$100Ms of investment is a tremendous amount of investment. I don't care what community you're going into but in that area, I think, it's extremely important.

Action: **Commissioner Burroughs made a motion to approve Change of Zone Application COZ2023-001, subject to the stipulations.**

Mayor Garner said I've got a few more questions. Maybe Chief Legal or Mr. Hand. This is strictly just a change of zone, correct? Nothing more, nothing less. **Mr. Hand** said and a master plan amendment so we need two votes tonight. **Mayor Garner** said with staff recommendation for approval, correct? **Mr. Hand** said staff recommends approval of both, yes.

Mayor Garner said with a 7 to 1 vote for approval from the Planning Commission, as well as, I believe, Mr. Kindle from our Wyandotte Economic Development Council giving his cautiously optimistic approval, if that's correct, at last Commission meeting when this item came up. You can say yes or no. Okay.

Mayor Garner said so, you've got a developer that is willing to invest probably more than \$100M. All he needs to know is before he starts having serious talks with Oracle about purchasing this building, they need some level of confidence from this Unified Government that the vision they have for the property is something that they can start working with this community on to, hopefully, get them to yes on something that could enhance the number one tourist attraction in the state of Kansas; to continue to be that and continue to offer good services, resources, and

amenities that Wyandotte County and the state of Kansas continue to be proud of when you talk about Village West. This is just the first step to get us there.

We have two derelict empty buildings with a sign on it with a company, to my knowledge, that doesn't even exist anymore at a main intersection of 435 & State Avenue, highly visible in our community. I think it says a lot when, and I don't know, Mr. Hand, our Chief Legal Counsel, Administrator, please correct me if I'm wrong or Mr. Kindle who works with developers, I have not heard from my office or the Administrator's Office of any other developer coming forward wanting to spend \$100M to say not only do we want to buy these buildings, we want to invest in making something really great for Wyandotte County and, hopefully, the Kansas City metropolitan area. I have not heard anyone lining up to buy these properties.

I know a comment was made that maybe we want to keep office space, and I believe the developer said he's going to make sure that there's office space there; but as we know, post-COVID, that a lot of companies aren't looking for more office space. They're actually looking to downsize because people are working from home and that's not the business model of a lot of big corporations moving forward. Hence, when Cerner sold to Oracle, they not only put this property up for sale, they put properties up in Kansas City, MO, that was also Cerner properties as well.

You've got the thumbs-up and greenlight from those that we rely on to give this Commission advice and recommendations and all of those have greenlighted that this Commission at least start the process for, hopefully, an economic development project that you can work with them on to get it to where you want it to be. This is just the first step.

I agree with this developer. I wouldn't make a \$100M investment in anything knowing that I didn't have the full support of a commission; to at least have some level of confidence that we could at least have a discussion about what the final development is going to look like.

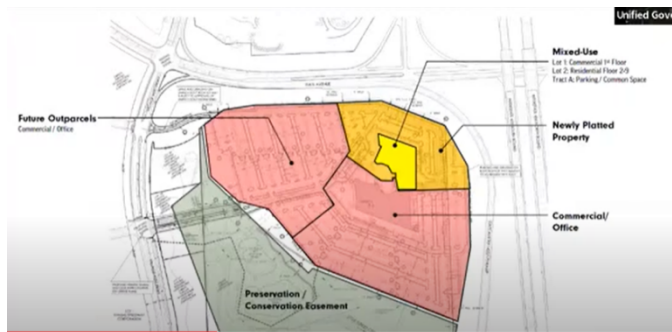
I support totally. At least get this conversation started. I'd rather have something as opposed to nothing in Village West. I encourage our commissioners to share that sentiment with me so we can have a real conversation about what we want the redevelopment of that property to look like.

For those that have wondered, my concerns were relieved when I heard that we will not be losing one penny of tax dollars as a result of any action taken tonight. Is that correct? That's correct, but we do have an opportunity to enhance and bring in more tax dollars moving forward as well as sales tax receipts that really we can't really account for right now.

I think this is a great opportunity not just for this Unified Government, but it's a great opportunity for Wyandotte County and even a better opportunity for the Kansas City metropolitan area so we can remain and keep the number one tourist attraction in Wyandotte County, not looking like other pockets of poverty and disinvestment that we see in other parts of our community. To keep Wyandotte County looking like we want it to look, a resilient and resurgent community and not have to dilapidated buildings strung throughout our community. This offers that opportunity. So with that being said, there was a motion. Is there a second?

Commissioner Stites said so it's in my district. The concern that I've had, and many of my constituents, is the amount of apartments that are currently being built out in western Wyandotte County. True, COVID started reducing the amount of office space during the pandemic. People were working from home. We're coming out of COVID. We are out of COVID right now. Actually, the trend is people are going back into office space. This is the only Class A office space in Wyandotte County. We set the master plan in place because at the time, that's what we thought was the right thing. I still think it's the right thing for Class A office space.

Can somebody help me understand, and this is probably for Legal, if the zoning changes on all three parcels—and if we can pull that map back up that shows all of them—what, if anything, stops the developer on the future out parcels commercial/office.



It could be turned into residential, right? If the developer decided, and we're not getting any commercial, we're not getting any office space, we need to do something because we got vacant ground sitting there. We could build more apartments.

Mr. Waters asked, are you referring to the other tower? **Commissioner Stites** said no, the red. **Mr. Hand** said C-3 zoning does allow for vertical mixed-use with residential, yes.

Commissioner Stites said so it could go all residential, no commercial. This project could get sold once this zoning change happens, right?

Mr. Waters said I want to ask the Director; it would be subject to a development plan. **Mr. Hand** said correct. That would have to be approved by the Commission, another development plan, yes. **Mr. Waters** said the Commission would have to approve that change. **Commissioner Stites** asked, approve the change of what? Say it again. **Mr. Waters** said redeveloping it, as you're talking about, that would have to come back through the Commission through a redevelopment plan through the planning process, so you would have the leverage there to stop that. **Commissioner Stites** said but the zoning would have already been changed. **Mr. Waters** said the zoning would change, yes.

Mayor Garner said, again, I'd just like to state we have a real opportunity here to do something great for Wyandotte County. The number one thing that I've gotten from DC, when I was at the Conference of Mayors, the Core4, with the influx of people coming into the Kansas City metropolitan area, it doesn't matter whether you're low income, moderate income, or upper income, there is a shortage of housing in the Kansas City metropolitan area. What this developer does, he recognizes both the need for office as well as retail and housing.

In the first tower if you can just describe to me, again, how is that split up? **Mr. Goforth** said the north tower, floors 2 – 9 would contain the residential units. The bottom floor would be basically space for amenities and coffee shops, effectively commercial but no residential units on that first floor.

I will say that you're correct. Most of the data that we read and see, which is a lot of industry publications, the availability and supply of market-rent apartments still isn't keeping up with demand in certain areas. Kansas City is one of those areas, actually one of the most sought after cities for new apartment development. That's because the demand here continues to increase.

On the other side, Commissioner Stites has a point. There are certain people coming back to offices, but it's not at a rate and an absorption that's going to soak up 650,000 sq. ft. of office space. It's almost impossible, and no one's going to take that financial risk right now when you have a completely empty building. Unless there's some economic drastic change where that much space is needed, and I think we have reached out and consulted with some of the brightest people in the community in terms of office leasing, large national corporations that have their finger on

the pulse, they've not come up with any great office leases for us yet. So, that's still a huge risk for us. If we double that risk and had the entire thing as office, we couldn't even consider it. I don't think any other like-minded developer could either with normal conventional financing.

Mayor Garner said it's a business, correct. You've done your market studies and your research, I take it. **Mr. Goforth** said yes. **Mayor Garner** said if both towers were profitable for office space—correct me if I'm wrong. I don't want to speak for you—I wouldn't be surprised if you were up here asking for something as far as to create probably a majority of that as office space and upgraded. Is that correct?

Mr. Goforth said if we had the ability to lease the whole thing as office, yeah. We would never have made this application. We just would have bought the building and leased as office. The problem is, we don't see how that's possible through all the research and effort and contacts that we have and that we've made, we do not see that as a possibility really for anybody.

We've researched government agency leases. We've researched large tenants. We've researched new large businesses through the Department of Commerce in the state of Kansas. We have made a pretty exhaustive effort to try to keep it all office because what would be better. That would be a great, simple thing to do if you could just buy the building and then put office back in there. You've got the jobs and the income back in the building and you don't have to do any construction. There's no brain damage and that would be a very simple path, but it's not one that we see.

Commissioner Bynum said first, I just want to say in general that I was glad Cerner came and put thousands of people to work in those buildings, and then we know what happened with the pandemic and sent all those people home. The world is what it is now and it's different than when Cerner came and built those buildings. I do remain grateful for what they brought to the community.

I think I've heard now enough to satisfy myself that on kind of both sides of this equation, we still have some leverage that we can use here at the diocese. That gives me, I think, the comfort I've been looking for. I also did not realize that Commissioner Burroughs had made a motion and I will second his motion for approval.

Action: Commissioner Bynum seconded Commissioner Burroughs motion for approval.

Commissioner Townsend said well, I'll third the motion. That's what I had in mind. I think we've gotten off track from what is really before us which is a planning and zoning question; however, and I appreciate the summary the developer and his team have brought forward. It gave more information than we had a month ago. The concerns of what exactly is going to go out there ultimately, what it's going to look like, what we do as a Commission in terms of yes or no on abatements or any other requests should be handled in the economic development environment. So, there's already been a second and I agree with that.

Roll call was taken to approve Change of Zone Application COZ2023-001 and there were six "Ayes," Johnson, Markley, Bynum, Burroughs, Townsend, McKiernan; and three "Nos," Kane, Stites, Davis.

Action: Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve Master Plan Amendment Application MPL2023-001, subject to the stipulations. Roll call was taken and there were six "Ayes," Johnson, Markley, Bynum, Burroughs, Townsend, McKiernan; and three "Nos," Kane, Stites, Davis.

Item No. 3 – 212472...CHANGE OF ZONE APPLICATION COZ2023-008 - JULIAN FLORES WITH 1 CORE CONSTRUCTION LLC

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for a duplex at 410 Ann Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Julian Flores, wants to rezone the parcel from R-1(B) Single Family District to R-2(B) Two Family District to renovate an existing, vacant residential structure to a duplex on 0.07 acres at 410 Ann Avenue. The Planning Commission voted 5 to 2 to recommend approval of Change of Zone Application COZ2023-008, subject to:

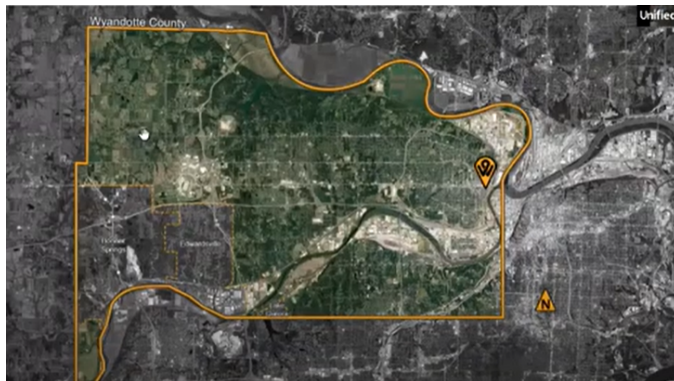
1. This City Planning Commission case is being heard in conjunction with BOZA2023-014, which is for a reduction of the front yard setback, side yard interior setback and a detached accessory structure accounts for more than 30 percent of the rear yard;

2. For reference, this parcel was downzoned as part of a large neighborhood downzoning known as the Strawberry Hill Neighborhood Downzoning occurring in 2000 (COZ 2592). This property was downzoned from RP-5 Planned Apartment District to R-1(B) Single Family District;
3. The applicant can and will provide two (2) off-street parking spaces between the accessory structure and alley. As a result, the applicant shall install a concrete or asphalt driveway, concrete wheel paths or pervious pavers for two (2) vehicles;
4. In the event the detached accessory structure is demolished, the new, detached accessory structure shall comply with the R-2(B) Two Family District standards and regulations;
5. All future driveways must feature curb cuts that are constructed to UG standards;
6. Both units shall be on separate utilities (water, electrical, sanitary sewer, etc.);
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. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
10. If rented, a rental license from Rental Licensing Division shall be obtained;
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. 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,
13. All conditions of approval herein must be constructed, executed, implemented, or otherwise started within six (6) months of approval and completed within 18 months unless otherwise determined by the Director of Planning or their designee.

Case	
COZ2023-008	
Petitioner	Address
Julian Flores	410 Ann Avenue
Synopsis	
To rezone the parcel from R-1(B) Single Family District to R-2(B) Two Family District in order to renovate an existing, vacant legal non-conforming duplex on 0.07 acres.	

(Mayor Garner left the meeting at 8:45 p.m.)

Gunnar Hand, Director of Planning and Urban Design, said this case was heard in conjunction with BOZA 2023-014 that was approved by the Board of Zoning Appeals earlier this month. What you have is a legal non-conforming duplex. We know it's legal non-conforming. The best available deal that we were able to find was that it did have two utility boxes and that it was a part of a blanket rezoning to R-1(B) around 2000.



This is in the Central area plan in the Strawberry Hill neighborhood.

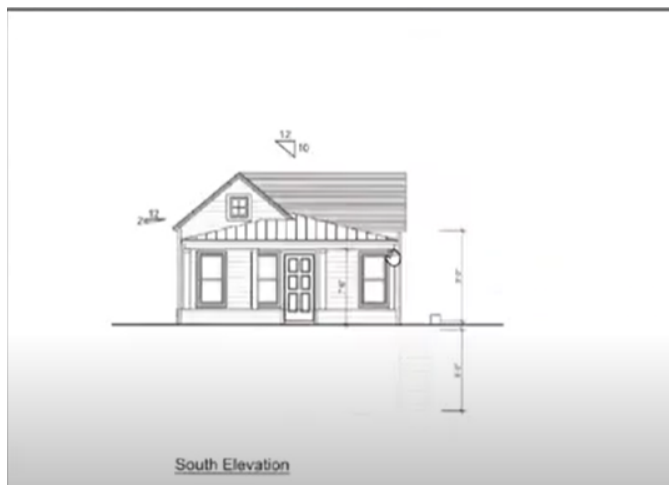


Staff has received no letters of support. There was one letter in opposition to the variance, but that opposition to the variance was specifically about the one variance regarding parking and staff was able to work with the applicant to remove that variance. There was no parking variants. Again, we just wanted to make sure that there was no opposition to that, but we removed the reason for that opposition through the process.



There are some notices of violation associated with this property because it's been vacant for about ten years. Staff agrees with Planning Commission and recommends approval.









Public Opposition	Public Support	Unified
Staff received one (1) phone call opposing the associated rezoning (COZ2023-008). Mr. David Heaston, 425 Ann Avenue, is opposed due to the lack of off-street parking, criminal activity in Strawberry Hill and the loss of single-family residences thereby changing the character of the neighborhood.	None to date.	
Staff Recommendation		
Approval		

Mayor Pro Tem Bynum asked, is the applicant present to present?

Julian Flores, 1700 S. 17th St., said I also own this property at 410. As Mr. Gunnar said, the house has been vacant for about 10, 11 years. There was a section that collapsed on the back. We

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got in there and kind of cleaned it up on the inside and going through the change of zone right now. I ask all of you to help me out to bring this beautiful house back to the neighborhood.

Mayor Pro Tem Bynum said I'll open the public hearing and ask the Clerk if there were any notifications from the public to express comments. **Mr. Deichler** said no comments were received by the Clerk. **Mayor Pro Tem Bynum** asked, anyone online with their hand up? **Mr. Deichler** said seeing none. **Mayor Pro Tem Bynum** asked, is there anyone present to speak in favor of the item? **Mr. Deichler** said seeing none as well. **Mayor Pro Tem Bynum** asked, anyone joining virtually to speak in favor of the item? **Mr. Deichler** said seeing none.

Mayor Pro Tem Bynum asked, any notifications expressing opposition to the item? **Mr. Deichler** said none were received by the Clerk. **Mayor Pro Tem Bynum** asked, is there anyone present who would like to speak in opposition? **Mr. Deichler** said seeing none as well. **Mayor Pro Tem Bynum** asked, anyone virtual that would like to speak in opposition? **Mr. Deichler** said seeing none at this time.

Mayor Pro Tem Bynum said I will close the public hearing and just ask if you want to make any kind of closing comments.

Mr. Flores said I just want to thank all of you guys if this can move forward so I can start the process and get everything out to permit.

Commissioner McKiernan said, Mr. Hand, do I understand correctly, the property next door to the west, 412, is already zoned R-2(B)? **Mr. Hand** said that is correct. **Commissioner McKiernan** said remind me again, how did that occur? Was that a spot rezoning like this one, a legal non-conforming use?

Mr. Hand said it had the same situation. It was a legal non-conforming duplex that got swept up into the blanket rezoning. I wouldn't describe that as spot rezoning. There is RP-5 at the corner and RP-5 on the block on 5th. I believe what you're seeing is we've had a couple of these cases in the past that have had to correct that blanket rezoning to reflect the diversity of housing typologies in Strawberry Hill.

Commissioner McKiernan said you said that the parking variance was not requested ultimately because you have the two dedicated spaces off of the alley, and that any concern that neighbors might have of parking spilling over to the rest of the block would be mitigated by your dedicated spaces.

Mr. Flores said that is correct. We're changing that house to an R-2(B). An R-2(B) doesn't necessarily have to have a parking space, but since we got that letter, I want to go ahead and put a parking space on the back of the alley.

Commissioner McKiernan said regarding this application, it means really nothing, but there seems to be an increasing tension nationwide between the desire to upzone and desire to hold firm and the fear that reducing parking minimums or eliminating parking minimums will have a negative impact, especially in older denser neighborhoods. I just make that observation that it seems I'm reading a lot more tension about upzoning and removing parking minimums.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Davis, to approve Change of Zone Application COZ2023-008 as submitted, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATION

Item No. 1 – 212468...SPECIAL USE PERMIT APPLICATION SP2022-117 - JESSICA BETTS

Synopsis: Renewal of a Special Use Permit (SP2021-071) to operate a short-term rental at 749 Locust Avenue, submitted by Gunnar Hand, AICP, Director of Planning and Urban Design. The applicant, Jessica Betts, is seeking to renew their Special Use Permit (which expires 2/3/2023) to continue the operation of a short-term rental at 749 Locust Avenue. The applicant recently renovated the property within the last two (2) years and plans to outsource the operations to a third party while utilizing AirBnB to market the rental. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2022-117, for two (2) years, subject to:

1. The driveway apron must be paved with asphalt. The apron cannot be gravel;

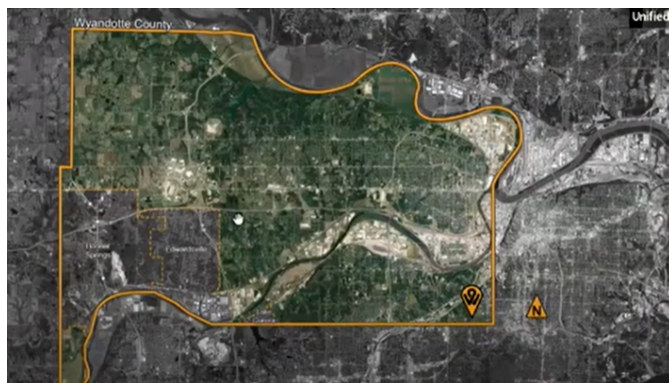
2. Maximum number of guests shall be seven (7);
3. All parking must be off-street, maximum number of vehicles is three (3);
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission 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. 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;
11. The applicant has filed and maintained a current business occupation tax application;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. 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;
16. 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;

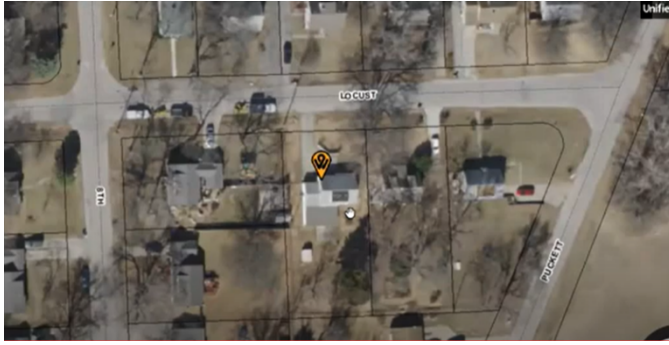
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
18. 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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Case	
SP2022-117	
Petitioner	Address
Jessica Betts	749 Locust Avenue
Synopsis	
To renew a Special Use Permit (expired 2/3/2023) to continue to operate a short-term rental. This is not the applicant's primary residence.	

Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a short-term rental. This is a renewal. I would just make a quick note. This came in before the ordinance was adopted last month, so this is still under the previous rules and regulations related to short-term rentals. This is non owner-occupied short-term rental.



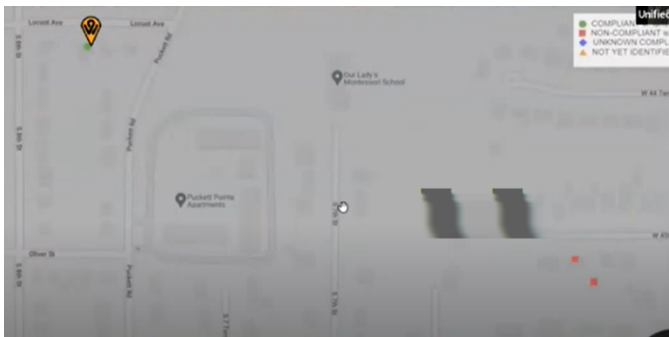
It's in the City-Wide comprehensive plan area, just outside of the Rosedale area plan, but in the Rosedale neighborhood.



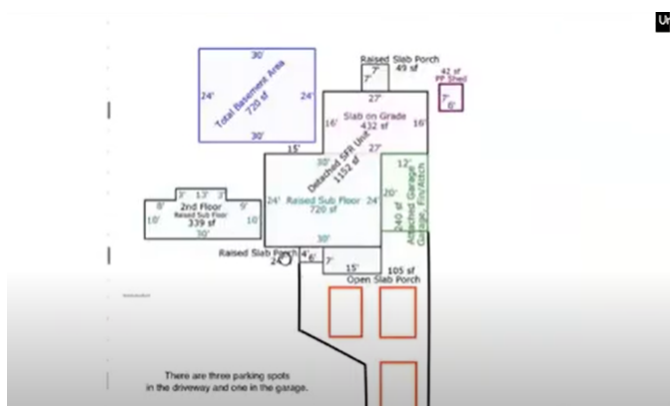
Staff has received no letters of support; no letters of opposition, and no notices in violation.



There were people in attendance at the City Planning Commission that spoke in favor of this project. Staff agrees with Planning Commission's recommendation of approval for two years with the condition that a maximum of seven people and three cars off-street.



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

Mayor Pro Tem Bynum asked, is the applicant present or online to make a presentation? **Mr. Deichler** said seeing none.

Mayor Pro Tem Bynum said I'll open the public hearing and ask the Clerk if we have any notifications from the public wishing to express their support for the item. **Mr. Deichler** said no notices were received by the Clerk. **Mayor Pro Tem Bynum** asked, anyone present who would

like to speak in favor who are present in the chambers? **Mr. Deichler** said seeing none. **Mayor Pro Tem Bynum** asked, is there anyone virtually that would like to speak in favor? **Mr. Deichler** said seeing none as well.

Mayor Pro Tem Bynum asked, any notifications received to express opposition to the item? **Mr. Deichler** said no notifications were received by the Clerk. **Mayor Pro Tem Bynum** asked, is there anyone present in the chambers to speak in opposition? **Mr. Deichler** said seeing none. **Mayor Pro Tem Bynum** asked, anyone virtual that wants to speak in opposition? **Mr. Deichler** said seeing none as well.

Mayor Pro Tem Bynum said I will close the public hearing.

Action: Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-117 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

MASTER PLAN AMENDMENT APPLICATION

Item No. 1 – 212471...MASTER PLAN AMENDMENT APPLICATION MPL2022-026 - CHAD SCHIMKE

Synopsis: Master Plan Amendment from Planned Low-Density Residential (Prairie-Delaware-Piper Master Plan) to Planned Mixed Business/Commercial (Prairie-Delaware-Piper Master Plan) at 13700 Marxen Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: Withdrawn at the request of the applicant.

Item No. 2 – 212401...MASTER PLAN AMENDMENT APPLICATION MPL2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.

Synopsis: Master Plan Amendment from Regional Commercial (Prairie-Delaware-Piper Area Plan) to Mixed-Use (City-Wide Comprehensive Plan) to convert an office building into a mixed-

use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **This item was previously heard in conjunction with Planning and Zoning Non-Consent Agenda Item No. 2 – COZ2023-001.**

Mayor Pro Tem Bynum said that ends our Planning and Zoning agenda and takes us to our Regular Consent Agenda.

REGULAR CONSENT AGENDA

Mayor Pro Tem Bynum asked, is there any member of the Commission or County Administrator who wish to set aside an item on our Regular Consent Agenda?

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

Item No. 1 – 212429...RESOLUTION: A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND SUPPLEMENTAL INDENTURE WITH REGARD TO THE TAXABLE INDUSTRIAL REVENUE BONDS (DAIRY FARMERS OF AMERICA, INC. PROJECT-BUILDING)

Synopsis: A resolution authorizing the execution of a second supplemental indenture with regard to the taxable Industrial Revenue Bonds (Dairy Farmers of America, Inc. Project — Building), Series 2017A, previously issued by the Unified Government of Wyandotte County/ Kansas City, Kansas, submitted by Patrick Waters, Acting Chief Counsel. On May 8, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full Commission.

Action: **RESOLUTION NO. R-35-23, “A resolution authorizing the execution of a second supplemental indenture with regard to the Taxable Industrial Revenue Bonds (Dairy Farmers of America, Inc. project—building), Series 2017A, previously**

issued by the Unified Government of Wyandotte County/Kansas City, Kansas.”
Commissioner Davis made a motion, seconded by Commissioner Kane, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 212490...PLAT: THE ESTATES OF HOLLINGSWORTH MEADOWS

Synopsis: Plat of The Estates of Hollingsworth Meadows, located at 12501 Polfer Road, and being developed by Maderos/King, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 3 – 212491...PLAT: 5-RIVERS TRUCK CENTER

Synopsis: Plat of 5-Rivers Truck Center, located at 26th and Cheyenne Avenue, and being developed by 5-Rivers LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 4 – MINUTES

Synopsis: Minutes from the full Commission meeting on September 15, 2022, the Special Session meeting on April 27, 2023, and from the Executive Session on May 11, 2023.

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

Item No. 5 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated May 4, 2023.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

Item No. 1 – 212428...RESOLUTION: AUTHORIZING UG TO ENTER INTO TWO REAL ESTATE PURCHASE AGREEMENTS WITH KCKCC

Synopsis: A resolution authorizing the Unified Government to enter into two real estate purchase agreements with the Kansas City Kansas Community College, submitted by Patrick Waters, Acting Chief Counsel. On May 8, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 5/1 to approve and forward to the full Commission.

Commissioner Burroughs said the only remark I would make was there was much concern about the impact that the purchase would have on our food kitchen. It was resolved between the community college and those within the food kitchen. I would ask that the committee support the motion coming forward for approval.

Action: **RESOLUTION NO. R-36-23**, “A resolution authorizing the Unified Government to enter into two real estate purchase agreements with the Kansas City, Kansas Community College for the sale of all of 600 State Avenue and a portion of 645

Nebraska Avenue.” **Commissioner Johnson made a motion, seconded by Commissioner Burroughs, to adopt the resolution.**

Commissioner Stites said I was the one no vote that night. I don’t know that it was technically resolved that night with the food kitchen but, subsequently, I’ve reached out to a couple of Board members and, Dr. Mosier, I’m pleased to say that your staff reached out. What I had heard was that they were very pleased with the progress. They felt like they were in the mix now and in the know, and they were happy with the direction that things were going. So, I will be in support of it tonight. Thank you, again, for your work.

Commissioner Townsend said during the standing committee, as Commissioner Stites has already mentioned, there was concern raised that there be no interruption of meals and other services delivered by Hot Lunch Service, Inc., as well as in addition to whatever services Mt. Carmel Corporation separately provides. I ask that the agreement from Dr. Mosier and the college with those entities be incorporated somehow into this resolution. I see that it has been. I wanted to get that on the record. So, I will be supporting.

Roll call was taken on the motion to adopt the resolution and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 212459...RESOLUTION: PROCESSING ACCESS TO METRO 24 FUNDS

Synopsis: Resolution for the process of accessing Metro 24 Funds, submitted by Angel Ferrara, Director of Parks and Recreation. On May 22, 2023, the Administration and Human Services Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to the full Commission.

Mayor Pro Tem Bynum said this item was heard by Administration and Human Services on Monday, May 22nd. We did approve the resolution and asked to fast track it to this evening.

Action: **RESOLUTION NO. R-37-23**, “A resolution authorizing the County Administer to award grants from the Metro 24 management fee for youth activities in Argentine

and Rosedale.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to adopt the resolution.**

Angel Ferrara, Director of Parks & Recreation, said this item was brought before us and Commissioner Ramirez did ask us to work on this. After working with Legal, we did bring before standing committee a resolution authorizing the County Administrator to award grants from the Metro 24 management agreement. So, just a brief overview. That was renewed in 2021. There was not a process that was approved for expending out those funds.

Mayor Pro Tem Bynum said we’re just grateful to you and staff for working out an agreement and a process for utilizing the money. It’s kind of the end of what was set forward in 2020, so we really appreciate it.

Commissioner Townsend said since we have our Director of Parks and Rec here, I didn’t want to pass up an opportunity. We’re coming up on the Memorial Day holiday. Parkwood pool will be open despite some conflicting information earlier. It will be opened on Memorial Day, so come one, come all. Thank you for all Parks & Rec has done.

Roll call was taken on the motion to adopt the resolution and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

ADMINISTRATOR’S AGENDA

Administrator Johnston said this is not an item for action but one of recognition. I want the Commission and the people in the gallery and those seeing on virtual that we are sad to see that our Interim Legal Counsel Patrick Waters—this is his last Commission meeting. When Patrick came and talked to me about a great opportunity that he had before him, you could only encourage him to explore other career opportunities because he’s given this government close to 19 years of excellent legal representation. It’s a tough position to fill because of who filled that job. I think it’s fitting if we could all applaud him and support him and thanks for his work.

Mayor Pro Tem Bynum said, Patrick, thank you so much for all your years of service.

COMMISSIONERS' AGENDA

Item No. 1 – 212492...TRAVEL REQUEST: COMMISSIONER RAMIREZ

Synopsis: Request to travel for Unified Government business to Tacoma, Washington, to attend the National League of Cities(NLC) Summer Board and Leadership meeting, submitted by Commissioner Ramirez.

(Mayor Garner returned to the meeting at 9:12 pm)

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

Mayor Garner said that concludes the portion of our regular meeting and I adjourn us in that capacity.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Davis, to adjourn as the full Commission and reconvene as the Landbank Board of Trustees.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

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

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

Item No. 1 – 212430...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager.

Please visit the new site to review the applications below.

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

A. Single Family Homes – 2 Homes

11. Justin Sorto – 1 home
23 S. 18th St. – 107737
12. Clarisia L. Balladares – 1 home
28 N. Tremont St. – 120402

B. Multi Family – 15 Units

1. DreSean Johnson – 3 Units
1837 S. 35th St. – 170215
2. RA Engineering – 10 Units
3038 Suntree Plz. – 125603
3. Darlene Dunn – 2 Units
5666 Yecker Ave. – 037189

C. Commercial – 1

1. Roberto & Nancy Rodriguez – Insurance Agency
961 Pacific Ave. – 069269

On May 8, 2023, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the full Commission.

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

Item No. 2 – 212431...LAND BANK PROPERTY TRANSFERS

Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager.

Please visit the new site to review the applications below.

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

PT – Property Transfer

1. Lillie Williams
812 Lafayette Ave. – 111593

On May 8, 2023, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the full Commission.

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

Item No. 3 – 212432... LAND BANK HOLD AREA

Synopsis: Requesting consideration for the Wyandotte County Land Bank to hold all properties held by it within the boundaries of Quindaro Boulevard to the north, 5th Street to the east, Parallel Parkway to the south, and 7th Street to the west for the future acquisition by Mt. Carmel Redevelopment Corporation, submitted by Jud Knapp, Land Bank Manager. On May 8, 2023, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the full Commission.

Action: **RESOLUTION NO. R-38-23**, “A resolution authorizing the Wyandotte County Land Bank to hold specified properties for the acquisition by Mt. Carmel Redevelopment Corporation to return blighted and vacant properties to a productive use.” **Commissioner Kane made a motion, seconded by Commissioner Burroughs, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

LAND BANK BOARD OF TRUSTEES' NON-CONSENT AGENDA

Item No. 1 – 212489...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager.

Please visit the site to review the applications below.

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

A. Single Family Homes – 10 Homes

1. Mark & Rhonda Hamilton – 1 home
2916 N. 26th St. – 163438
2. Maria Hill – 1 home
3240 N. 46th St. - 066341
3. JBLOC LLC – 1 home
4907 Lathrop Ave. - 178733

4. Jorge Alfaro – 1 home
3306 N. 33rd St. – 165213
5. Omar Jurado – 1 home
3032 N. 33rd St. - 100178
6. Miguel Cortes – 1 home
1116 Washington Blvd. – 080158
7. Dania Pilar – 1 home
930 Central Ave. – 069286
8. DreSean Johnson – 1 home
3040 N. 27th St. – 116502
9. David Bean – 1 home
257 S. Mill St. – 122060
10. Georgia Dubois – 1 home
1112 Ruby Ave. – 143024
1108 Ruby Ave. – 143025
1104 Ruby Ave. – 143026

On May 8, 2023, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted 5/1 to approve and forward to the full Commission.

Jud Knapp, Land Bank Manager, said Items A1 – 8 were voted on as one. They received one no vote. All those items are single-family homes. A10 was a little different. It was three lots for one home, but they're basically on unbuildable lots and it'll be a very difficult build.

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

ADJOURN

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

MAYOR GARNER
ADJOURNED THE MEETING AT 9:15 P.M.
May 25, 2023

Brett A. Deichler, PMP|CPM
Unified Government Clerk

cg

May 25, 2023

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

SPECIAL MEETING, THURSDAY, JUNE 27, 2024

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, June 27, 2024, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second 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 (arrived at 5:35 p.m.); and Garner, Mayor/CEO; presiding. Ramirez, Commissioner Third District; and Kane, Commissioner Fifth District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Alan Howze, Assistant County Administrator; Shelley Kneuvean, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Director; Michael Peterson, Assistant Budget Director; Mark Dupree, District Attorney; Susie Nelson, Register of Deeds; Daniel Soptic, Sheriff; Anita Peterson, District Court Administrator; and Monica L. Sparks, Interim Unified Government Clerk.

Mayor Garner 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 their phones at this time 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. Please make sure to speak clearly and at an audible level into the microphone to ensure that your comments are heard and an accurate record of the meeting can be made.

Mayor Garner called the meeting to order.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, June 27, 2024, at 5:00 p.m. in the Fifth Floor Conference Room of the Municipal Office Building for a Budget Workshop. Roll call

was taken and there were eight “Ayes,” Lopez, Stites, Bynum, Burroughs, Townsend, Burns, Hill, Garner.

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 Garner said this evening we’re continuing the work regarding our budget for 2025 and throughout our series of budget workshops we’ll have different items for consideration for the Unified Government Board of Commissioners. I’m going to turn it over to our County Administrator David Johnston, to open up the presentation.

David Johnston, County Administrator, said as we continue down our budget workshops, today we’re talking about the issues of revenue neutral versus non-revenue neutral and I’m going to turn it over to our Chief Financial Officer, Dr. Kneuvean, and our Budget Director, Reggie Lindsey.

Shelley Kneuvean, Chief Financial Officer, said we will have copies of our presentation here shortly. We were busy making copies on the copies, so they will be here just shortly, but if we can go ahead and pull up the presentation, I’ll wait just a quick minute. I’ll go ahead and just kind of give you an overview. A little bit, as the Mayor mentioned, we’ve had quite a bit of work that’s being done on the budget working with you all as a Mayor and a Commission. We have had five workshops since February. The end of February was the first one. We’ve had one public hearing. We had the Dotte Talks and that was an invitation, of course, for public comment. Tonight we’re going to have another workshop to discuss the proposed resolution of the intent to exceed revenue neutral rate.

Budget Process

Mayor & Commission Budget Workshops

- Budget Workshop #1 2/29/24 – Capital Improvements Plan Update
- Budget Workshop #2 3/21/24 – Review of Revenue Neutral & Budget Forecast
- Budget Workshop #3 4/4/24 – Continued Discussion of Revenue Neutral Rate & Process
- Budget Workshop #4 4/18/24 – Operating Budgets Overview
- Budget Public Hearing 6/4/24 – Overview of Dot Talks & Invitation for Public Comment
- Budget Workshop #5 5/16/24 – Proposed Capital Improvements Plan
- Budget Workshop 6/6/24 - Cancelled
- Budget Workshop #6 6/27/24 – Discussion on Proposed Resolution of Intent to Exceed Revenue Neutral Rate

That's just an overview of all the dates and the meetings we've had before and the presentations. There's been a wealth of information provided by the Budget Office to help inform the process throughout.

Purpose of Tonight's Discussion

Requesting the Mayor & Commission approve the Resolution with the Intent to Exceed Revenue Neutral Rate for the City and County Property Tax Rates (Mill Levies) in the regular session

- ❖ Approval of the resolution ONLY keeps the budget process moving forward so that additional information can be provided to inform the ultimate decisions of the Mayor & Commission.
- ❖ This does NOT set or approve the tax rate tonight—revenue neutral is still an option for the City and County mill levies
- ❖ This does NOT approve any specific policy decisions including information which will be presented tonight
- ❖ This does NO commit to fund expenditure requests by the Constitutional Offices which will be presented tonight

The purpose of tonight's presentation is to request that the Mayor and the Commission approve the resolution with the intent to exceed revenue neutral for the city and the county property tax rates. Those property tax rates are our mill levies. Those terms are interchangeable and that will be considered in the regular session.

We're hoping that tonight we can provide you with information as to why we're making this request, but the only action that we are asking for is that this resolution be adopted by the Mayor and the Commission. What we are not requesting is any kind of tax rate tonight. We are not asking you to set the tax rate. There's a lot of information that needs to be brought before you before you could actually do that in an informed way.

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This does not approve any specific policy decisions including information that will be presented tonight. For example, our Constitutional Offices are going to present information. We are not asking you to make a decision. It's just receiving the information and this does not commit to any expenditure request that you may know of or that have come before you before. All we are requesting is the resolution which keeps the budget process moving forward so that we can provide you information, the County Administrator gets an opportunity to present a budget and then at that point is when you would actually set the tax levy, decide what the tax levy would be.

It does not prevent you from ultimately going revenue neutral if that should be the direction that the Commission wanted to go. The resolution does not commit you to anything except allows for the process to continue.

Overview of Budget Workshop #6

- Presentation by Constitutional Offices for FY25 Budget Needs
- FY25 Projected Revenues for City and County General Fund
- Present BPU Pilot Relief Information
- Discuss Annual Property Tax Mill Levy Process & Next Steps

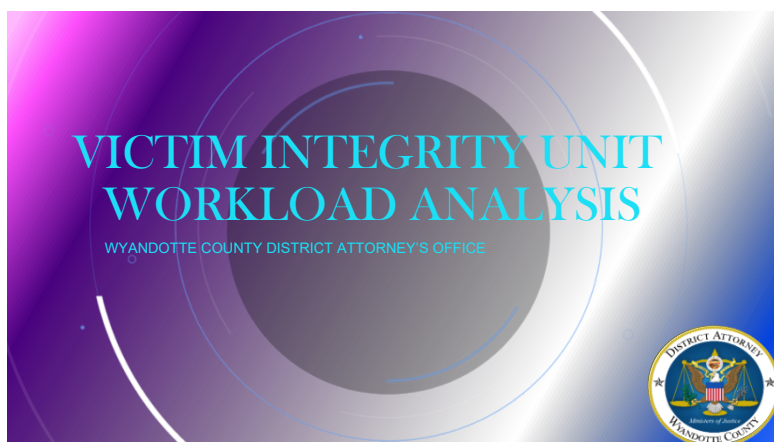
In order to cover a few things tonight, we're going to have the presentation by the Constitutional Offices. We're going to give you an overview of some projected revenues for the city and the county, in particular the General Fund tonight, because it's good, illustrated purposes. We want to highlight some thoughts that we have on the BPU Pilot Relief and then we want to talk about the next steps in the process.

Constitutional Offices Presentations

- District Attorney *
- Recorder of Deeds *
- District Courts *
- Sheriff *
- Election Commission (written memo)

With that, we've got the entities up above on the board and they have indicated they would like to speak. We've asked them to keep that to about 10 minutes each. Again, they will be sharing information with you about their current budget, about their budget requests for next year. It's an opportunity for you to dialogue with them, but we are not asking for a decision on any of these requests at this time. It just gives them an opportunity to present that information to you all directly. With that, I'll ask the District Attorney to come forward.

Mark Dupree, District Attorney, said I appreciate the opportunity to speak with you. I will say in advance thank you. I'm looking at my clock. When I practiced I don't know if I was thinking 10 minutes. Usually it's about 20 or 30, but I'm sure I can make this happen.



I want to first appreciate all of you commissioners and staff for all that you do. I try my best to stay on my side of the street, but I thought it was very important to come and talk to you today specifically concerning this matter. We are requesting funds this year. This is something I think

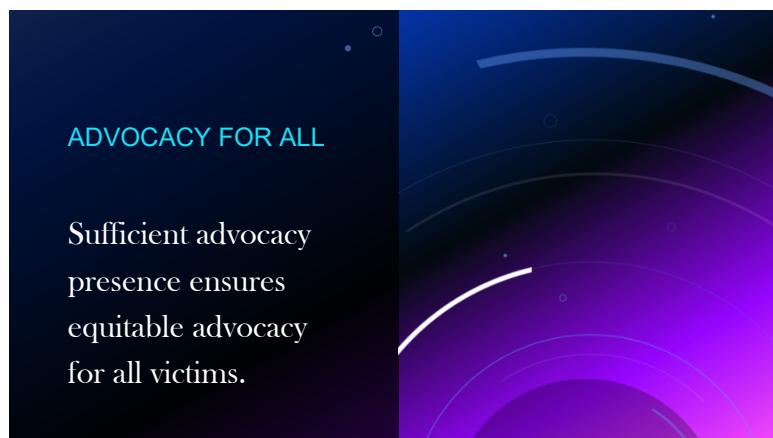
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is extremely important, so when I got into office in 2017 there was two Victim Advocates. Victim Advocates are the individuals who are the liaison between victim of crimes as well as the District Attorney and the courts. It is their role and in their jobs to make sure that victims of crimes in this community have information on what's going on in the case that they are part of.

IN THE LAW: THE BILL OF RIGHTS K.S.A 74-333

74-7333 Bill of rights for victims of crime (a) In order to ensure the fair and compassionate treatment of victims of crime and to increase the effectiveness of the criminal justice system by affording victims of crime certain basic rights and considerations, victims of crime shall have the following rights: (1) Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system. (2) Victims should receive, through formal and informal procedures, prompt and fair redress for the harm which they have suffered. (3) Information regarding the availability of criminal restitution, recovery of damages in a civil cause of action, the crime victim's compensation fund and other remedies and the mechanisms to obtain such remedies should be made available to victims. (4) Information should be made available to victims about their participation in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings. (5) The views and concerns of victims should be ascertained, and the appropriate assistance provided throughout the criminal process.	(6) When the personal interests of victims are affected, the views or concerns of the victim should, when appropriate and consistent with criminal law and procedure, be brought to the attention of the court. (7) Measures may be taken when necessary to provide for the safety of victims and their families and to protect them from intimidation and retaliation. (8) Enhanced training should be made available to sensitize criminal justice personnel to the needs and concerns of victims and guidelines should be developed for this purpose. (9) Victims should be informed of the availability of health and social services and other relevant assistance that they might continue to receive the necessary medical, psychological and social assistance through existing programs and services. (10) Victims should report the crime and cooperate with law enforcement authorities. (15)(a) Victims of crime, as defined by law, shall be entitled to certain basic rights, including the right to be informed of and to be present at public hearings, as defined by law, of the criminal justice process, and to be heard at sentencing or at any other time deemed appropriate by the court, to the extent that these rights do not interfere with the constitutional or statutory rights of the accused.
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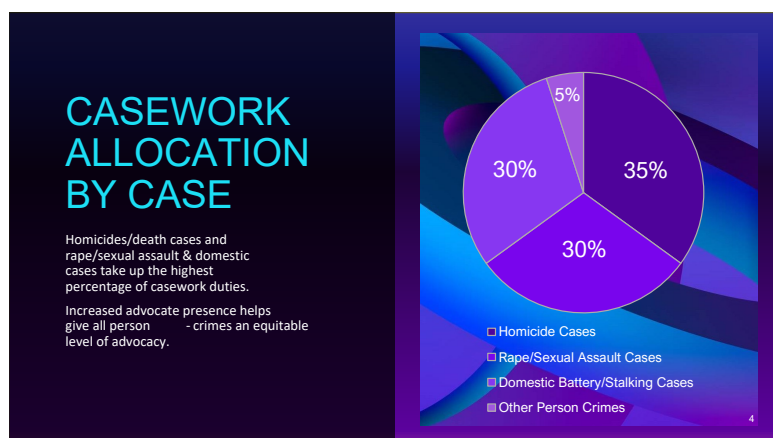
With that, I'll start with what the law says. This is so important that the Kansas Legislature many decades ago made it a statute. According to KSA 74-7333, and I would encourage all of you to go ahead and take a look at that, but ultimately it is the victims Bill of Rights and when individuals have a crime that occurs to them, there are multiple things that the District Attorney's Office is statutory obligated to make sure that we do. The number one thing is making sure that victims are treated with courtesy, compassion and respect. That information regarding the case from the beginning of the case to the conclusion of the case is told to them. Any services that are available to them, any assistance wraparound services, treatment and so on and so forth, the law says by statute that the District Attorney's Office is obligated to make sure that it is done.



Advocacy is bottom line what Victim Advocates do.



Sufficient advocacy present or presents ensures equitable advocacy for all victims.



I want to talk to you real quickly about what the Victim Advocates do in our office. They handle homicide cases, death cases, rape and sexual assault, domestic violence cases and ultimately it

breaks down to the percentage of case loads that we have right there. You can see homicide, rape and domestic violence takes up a vast majority of the cases that we have going on in our office.

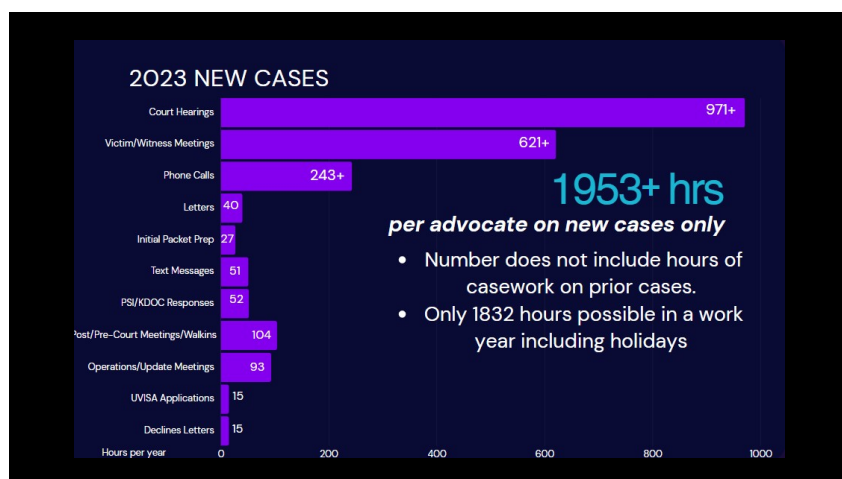


From start to finish, and I would like to state to the folks that may be watching online, you as commissioners have this in front of you and if you don't, we can make sure you get an email, but I put all this in the presentation. I'm not going to read all of this, but I wanted you to have from start to finish what a case looks like in our office. The Victim Advocates, the moment that the police are called and the cases referred to our office after the investigation happens, it's our Victim Advocates role and responsibility to have direct contact with the victims and with the families of crime.

In any case that occurs in our office is when you're dealing with victims you're not just dealing with the person who was the victim of crime, but you're usually dealing with the entire family and you're dealing with all the folks that have any type of first, second or third secondary trauma that comes with being a person connected to the person that has been victimized. Their job is to connect with them, to meet with the families, to set up meetings with the Assistant District Attorney and likewise with myself. When I got into office I made it a priority and a mandate that every person who loses a loved one to crime in this community meets directly with me. It is the Victim's Advocate role to make sure that all of those folks meet directly with me as well as the Assistant District Attorney.

Their job is also to make sure that all of these folks according to statute know when the hearings are and you can see through the court proceedings we got over 37 hearings from numerous dockets hearing meaning from the time that a case is filed to the time that a case goes to trial.

There are dozens upon dozens of court appearances and by statute we have to make sure that all of those victims and witnesses are aware of those hearings and proceedings and if we do not, then it violates the statute all the way through jury trial. Then, likewise what happens, is once the trial is done we have post-conviction. You have appeals courts and appeals to the Supreme Court and so on and so forth. Hence, these cases never go away for our Victim Advocates. They continue to reach out and talk to our office and get the information.



I made this slide because it's important to know and I want to give kudos to the four Victim Advocates that we have in our office who worked tremendously hard to make this presentation and put it together. But ultimately, after we put our numbers together there was a guesstimation ultimately of every hour that we have in a 40-hour work week and 52 weeks in the year, you're looking at about 1,800 plus hours of available work. Well, our Victim Advocates work over 1,900 hours and that means that they're coming in on their days off, that means that they stay late, that means that they get in early and it's because they take their responsibility, their statutory responsibility very serious to make sure that they have contact with these folks so that cases won't go on without everyone knowing.



WHY EQUITABLE ADVOCACY MATTERS

- Advocates need to be present at each of their court hearings. Understaffing causes advocates to not be present with some cases, meaning there are victims/witnesses that will not have advocacy in court.
- The victim services division acts as a liaison between the victim and the prosecutor. (Lack of Participation and Trust)
- All victims/witnesses deserve and are entitled to equitable court advocacy, information & guidance, services/referrals, and crisis intervention/emotional support, under Kansas law in the Victim's Bill of Rights. A lack of advocate presence is an injustice to the community we serve.

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I'm going to rush through this part because I see that my time is down. I'm to about 5 minutes, so you can look at the rest of this yourself.



MORE ADVOCATES = MORE TIME/PRESENCE PER CASE

THE EFFECTS OF INSUFFICIENT ADVOCACY

HOW IT AFFECTS THE COMMUNITY	HOW IT AFFECTS THE ADVOCATE
• damages rapport. • diminishes trust. • makes victims/witnesses and their families feel they do not matter. • frustrates the community • Increases the risk of not all parties being informed of crucial information on their case which can result in: • Missed court hearings • Missed opportunities for resources/referrals, restitution/compensation.	• overloads the advocate. • causes the advocate to use personal time to make adequate contact on their cases. • can cause the advocate to be exhausted which impacts their physical, mental, and emotional health and capacity for their duties.

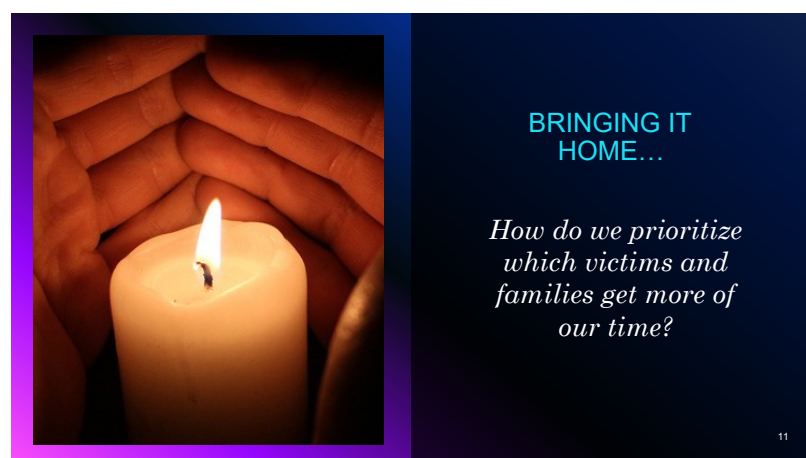
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But ultimately, what you have here is when we don't have enough Victim Advocates, then you don't have the information given to the victims of crime and to the witnesses of crime and it affects the relationship with the District Attorney's Office and the community and thereby affects how law enforcement and the community's relationship is. When we have victims who are not connected, who doesn't have that advocacy, who doesn't feel like anyone is explaining to them what is happening and how the process works, then they are less likely to cooperate. They're less likely to show up to court, they're less likely to be the witness that we need them to be to get the bad people off of the streets, which is why it's so important that we are here today.



In our office we have four Victim Advocates and we have two to three full load advocates on the screen because when I got here it was two Victim Advocates and in 2018 I believe we came back and we said okay, clearly, we need more advocates than this. We requested more funding. We didn't get it that year, but in 2019 you all gave it to us with the Conviction Integrity Unit Assistance and so the Victim Advocate that goes with the Conviction Integrity Unit also assists with some of the cases that we have on the main level of cases.

Now, with that we then went out and we found a grant because we realized that we needed to find more money to get victims the support and help that we needed and we were able to get a grant that is now being sustained for the last, I believe, four years and that is a sex crime Victims Advocate and this individual deals with sex crimes that are from the age of 11 on up. She's able to assist in those cases, which is why we say we have really 3-3.5 Victim Advocates rather than the full four. So, that puts us at really 3.5 marks of Victim Advocates.



The best practices says that any DA's Office should have no more than 150 cases per Victim Advocate. On average our counterparts across the state and in the region are averaging about 300 Victim Advocates at this point per case. We are 950 cases per Victim Advocate.

NEW OPERATING REQUESTS 2024

New Operating Request	Request	Average Caseload	Year Requested For
4- Victim Advocates	\$97,005.04/VA (including benefits)	550-600+	2024

DA (VA's)- 4 new Victim Advocate Positions to assist in the current caseload averaging 550-600 for our Victim Advocates cases compared to other counties in our metropolitan area with their VA's handling approximately 300 cases.

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So, what we're saying is not only are we ridiculously outnumbered by the amount of victims that we are serving, but it is absolutely affecting the way that victims are seen in our office and how they feel because at the end of the day when it comes down to prioritizing, how do you prioritize one victim over the other. Let me tell you the answer, you don't. Every victim is important, so every victim needs the services.

What we're requesting is four additional Victim Advocates. That will not get us to where we need to be via best practices, but it will get us down to about 500-600 cases per Victim's Advocate that will then get us to the position where I believe we're not violating the statute and hence doing what the statute requires for us to do, which is meeting with all of these victims and witnesses and making sure that they have the information that they need. The dollar amount is on the screen there. That \$97,000 per Victim's Advocate includes the benefits that they would have and ultimately that would be reoccurring.

NEW CAPITAL REQUESTS 2024		
NEW Capital Requests 2024	Budget Request	Year Requested For
Office Space Renovation	\$8,000	2024
Software Upgrades	\$50,000	2025-2029

DA Office Space Renovation – For two new office spaces being renovated from an old file/shred room to adequately support staffing operations, additional office spaces are necessary. This project takes an existing file room space to create office spaces.

DA Software Upgrade and Integrations – To support our new case management's storage as digital evidence is growing at a rapid rate with police body worn cameras, cellphone footage, home surveillance, etc. As cost is unknown as well as agencies' systems, integration and requirements are an unknown, we must remain adaptable and have the capacity to intake and process the cases accordingly to meet statutory requirements.

As I conclude in my 30 seconds, to give you any time that I have for questions, is for office space because we are in a wonderful, wonderful old building. We would take a file room that we have and we would renovate it and that would take about \$8K to renovate to give us more offices there in our location.

The software upgrade, it is there. I would like to say to all of you, because I know I have talked to many of you, if you look back in my '22, '23 budget, '21 budget as well, there was \$100K for software upgrade. We have worked with the tech folks over here, names are leaving me as I speak so fast and did an analysis and we do not need \$100K as we have generally done for the last several years minus last year because of all of the software upgrades. We need simply the \$50K moving forward and so that's not something new, it's in fact something that we have continued to do, but it is a 50% decrease and so I thought wherever I could say we're asking for less, it would be good to show off for the commissioners on that. Alright, I'm done. Alright, she said good job. Any questions that you have for me? Thank you Mayor, thank you commissioners, thank you for this opportunity. You all have a blessed evening.

Susie Nelson, Register of Deeds, said I just want to give you a brief overview of what our office does. The Register of Deeds is a custodian of land records for the county. I'm responsible for recording and preserving those land records. Currently we record over 100 different types of documents in our office. We record deeds, mortgages, plats, surveys, assignments and releases of mortgages just to name a few and it is through these recordings of the deeds that the tax role is built and maintained. The office is governed by state statute. We implement statutory changes,

system upgrades, program and procedure evaluation and we're continuing to develop our staff to assure a high level of customer service for our citizens.

The Register of Deeds Office is a revenue generating office. The revenue we generate each year, for the entire year, more than covers our budget annually and out of our budget 3% is for operating expenses. We also have a special fund for the Register of Deeds. It's called a Technology Fund and we've used that in the past to do a data migration where we pushed over 214K documents into our primary search software called Laredo and we're currently working on another data migration where we will push 368K documents into Laredo and that will give us documents back to 1955 and that will be 69 years in our primary search engine. Typically, the title companies, they search back 40 to 50 years when they're doing title searches and sometimes they go back further and our Laredo is a subscription. They can purchase a subscription to use so they don't have to come in the office and we have noticed that there aren't as many title people that do come in the office. They have subscriptions to utilize that.

I'm just going to close with this just so you all know, this year we have seen a decrease in recordings and I compared it to last year, we're down about 800 documents, same time as last year, and we attribute that to mortgage rates are higher than they were and cost of housing and everything else. Do you have any questions for me? Thank you.

Anita Peterson, District Court Administrator, said Chief Judge Robert Burns had another commitment this evening, so he asked me to come over here and he had some thoughts that he wanted me to let you guys know about. The District Court is unique in our budget relationship with the Unified Government given that we are not one of your departments. Pursuant to KSA 20-348, however, the UG Board of Commissioners is statutorily required to provide all operating expenses incurred for the operation of the District Court.

The vast majority of our overall budget is for salaries and those are exclusively paid for by the state of Kansas. The remainder of our budget is the responsibility of the UG and includes items such as office equipment, computers, interpreters, contract attorneys, pro tem judges, jury costs and facilities to conduct court. These items are simply what is necessary for the court system to function as intended and necessary to protect and promote justice.

The District Court has historically made a concerted effort to operate with fiscal restraint and has only requested the minimal budget necessary to operate an efficient and effective court

system for the people of Wyandotte County. We are not seeking any significant increase in our budget for 2025 as we strive to continue to practice fiscal responsibility.

I'm particularly proud of the dedicated non-judicial employees who constitute the heart and soul of our court system. Since I became Chief Judge in 2019 we have adapted and survived the challenges presented by COVID, the UG cyber attack in April of '22 and the statewide cyber attack of the Kansas court system in October of 2023. Our employees have been resilient throughout this period and we have persevered to make sure that everyone has access to the court system while also strengthening the security of our computer systems.

These challenges though have not come without added financial cost. Naturally the enhanced computer safety measures we have instituted are not cheap or simple, but are necessary and warranted expenses for the operation of the court system. We have established our own secured computer network and continue to implement additional safeguards and licenses to protect the privacy of the personal information contained in many court filings. I anticipate an increase in our budget request in future years and it will be unavoidable given the rising cost of maintaining a secure computer system, but I am optimistic that we can get through 2025 without asking for additional funds.

I also wanted to alert you to the distinct possibility of somewhat significant increases in costs for jurors in the near future. While the volume of jury trials has decreased over the last several years, the number of jury trials conducted in a given year is a variable that we cannot predict. In addition, there are capital murder cases presently set for both February of 2025 and February of 2026 which could pose significant costs if they indeed do proceed to jury trial.

Again, we do our best to minimize the expense of jury trials, but that is something beyond our direct control. Once again, thank you for this opportunity to discuss the budgetary needs of the Wyandotte County District Court and please know that I will make myself available to meet with you and discuss the local budget for the court or any other matters associated with the operation of our Judicial District. Sincerely, Chief Judge Robert P. Burns. Any questions? Thank you.

Daniel Soptic, Sheriff, said I've had the pleasure of sitting here several times and addressing this group and on many occasions we've got to have the conversation of what the Sheriff's Office does, why do we do it, the statutes that dictate what I do. Not necessarily how I do everything, but

definitely what I do and we've also on numerous occasions had the conversation about what the responsibility is for the Commission and the Unified Government when it comes to funding the things that somebody else quite frankly is telling me that I'm going to do. I was a little presumptuous I guess and I didn't provide any numbers because I thought you guys would have our stuff in front of you. But what I will tell you about our budget when you get it or you get the chance to look at it, the numbers that we've put in, the increases that we've put in in Capital or Operating, aren't because I dictate what food is going to cost. It's not because I can dictate how many we're going to have in-house in the facility. I don't control any of those costs and when you look at the increases that come along with our budget for this year, that's what they are. They're increases that we are all seeing every single day.

I know I've said this to this group before, the Sheriff's Office is very unique in the functions that we serve. One of those is running a small city across the street and so as we see these increases in housing, medical, food, custodial; that's all stuff that I wish I could tell them nope, we're not going to do it. But all of those things that I just mentioned, there's one single statute that says the Sheriff, you are going to do it and we're going to do it in a way that is safe for not only the employees, but for the inmates that are being housed there and what is safe for the community. So, that's one side of it.

The other side of the budget, you'll see increases in things for equipment for vehicles, vehicles themselves, some updates to some computers, kitchen equipment. Again, there's probably not many departments coming in front of you that are having to buy kitchen equipment. A remodel to the jail intake area. Anybody that's ever been inside that area, it's been like that since the day it was built. Exposed wiring, at this point desks that were built-ins that have been taken out because they've been broken. There's been no remodel or improvements to those areas and so those are costly. Adding some more feeder doors to some cells in the facility, again, adds to—goes back to safety for not only staff, but inmates as well.

Those are just some things that—I mean high level that I wanted to bring to your attention. When you get that chance, when you look at our numbers, it goes back to—these are not things that we sat around and said well, I think we're going to follow this statute today, I think we're going to follow that one today. I have to follow all of them at the exact same time and do what they all say and so what that amounts to is increases in just about every single area. You know you can't go to the grocery store, you can't go buy a vehicle, you can't do anything now

without there being an increase in that cost. That's the exact same thing that we see every single day.

The things that we are doing, the numbers that you're going to see in your budget information are things that I am required by state law to do and for years and years and years the Sheriff's Office along with many departments in the UG have been asked to make cuts 3%, 6%. I think there was a 7% one year maybe, and the Sheriff's Office has always risen to that and has worked with this Commission and this governing body to do that. The problem is there becomes a point when there's nothing else to cut. You have cut—you know if you want to call it fluff, fine. It wasn't even fluff at the time, but you've cut back to the minimum and that's where we're at. We're not—we don't exist to provide minimums. We exist to provide a service the right way and what's right for everybody involved. As we've cut things like training budgets and ammo budgets over the years, it's caused us to have to come back and ask for more as those things have increased.

So, what you will see in front of you when you get it, and maybe you have it, I don't know, is a list of the have to. The things that as the Sheriff I don't get to say I don't want to do. We're going to do them. We have to do them. Lots of things that factor into it. I know you all know this, but I always like to point it out, I don't control how long somebody comes to my jail or who comes to my jail, I don't control how long they stay there, I don't control what medical needs they may have while they're there. I don't even control when they get released although I think some people maybe think I do. I have no say over any of that. I become the middleman that has this requirement set in front of him. It's a great honor to have that, but at the same time we've got to do what's right and unfortunately that costs, it takes money.

Like I said, I didn't prepare anything for you because I thought you would have some stuff in front of you. What I would ask is as you guys go through the budget documents, if you have specific questions, bring them to me however that needs to be done. I would be more than happy to sit down and explain exactly how we got to where we got on any specific issue if you have it, but otherwise I would take any questions that you guys may have. Thank you.

Mayor Garner said before we move on, I have a question for the DA. You talked about Victim Services. I know that the Police Department has a Victim Services Unit. I don't know if you know what they do. Is there an overlap of services there? I know sometimes when I was on the Police Department the DA would sometimes service the same individuals that I'll just say my staff at the

time would service. I don't know if that's a duplication of service that maybe we could look at, has it been looked at, how could we better maybe collaborate to enhance those services in a way to minimize any potential duplication. I just don't know where we're at with that question. **Mr. Dupree** said I thank you for that question Mayor. It's a very good question and one that I do know a tad bit about. I'll just use the example of the Kansas City, Kansas Police Department. As many of you know that the District Attorney's Office handles eight different agencies including, but not limited to Edwardsville Police Department, Bonner Springs Police Department, some cases from Lake Quivira, the Sheriff's Department, so on and so forth and so many task force and universities and colleges and all of them have their own different policing agencies and with them they tend to have their own Victims Advocates. Using KCK, since it is our biggest law enforcement agency locally, they have seven. In fact it's supposed to be eight, but they're down one, seven Victim Advocates and their role as Victim Advocates are to show up on the scene when a crime happens to assist with those victims.

The way a case works, as I indicated on that screen, it's not until a case is filed in my office that my Victims' Advocates are if you will, put into play. Up until the point that the case comes to my office the Victim Advocates with the policing agency are the ones who are being the liaison and they are the point of contact with law enforcement and the victims on those cases. It's their sole responsibility to make sure that they know what's going on and that they inform the victims and witnesses of that case and what's happening. Unless and until the case is brought to my office for charging, sometimes that may be three months, sometimes that may six months, sometimes that's six years. Until that case is brought over, my office doesn't know anything about that case until it gets there. On average, it's about a three to six months process for the Police Department and their Victim Advocates that they work with those victims and then they hand the victims over to my office.

With my office, once we take the torch, hence we have those victims, it goes on for years because now we have the trial, now we have the post-convictions, we have the preliminary hearings, we have the appeals and so on and so forth. Just to put into context the Kansas City, Kansas Police Department has seven Victim Advocates for the city of Kansas City, Kansas. The DA's Office has 3.5 Victim Advocates for all of Wyandotte County. The Kansas City, Kansas Police Department deals with three to six months of servicing those victims. The Wyandotte County DA's Office deals with three to six years of dealing with victims, families and witnesses.

I say that because of the compare and contrast. They need that many to do their job for their city, but as a county I have way more law enforcement agencies and way more victims of crime and not enough assistance and help.

So one, yes they have their own and two, their services do not overlap with mine because it is pre my charging and then thirdly, they need to keep theirs and we just need to give us more so that statutorily we can do what we're required to do by law.

Commissioner Townsend said some of the questions that I was going to ask, your answers were full enough that were taken into account from the questions the Mayor asked, but going back to how long your Victim Advocates on average deal with servicing a case from the time it's assigned to them you said it's from the time it's handed over. There's charges filed through them being held to the Sheriff or if they're on probation or whatever, but through the trial or sentencing, whatever that outcome is and through incarceration, is that as a result, it goes that long? **Mr. Dupree** said yes and beyond. There are, via the statute, so when an individual—let's take that instance, they go to prison, well if they're up for parole, then statutorily the DOC is supposed to let our office know that this person is coming up for parole and then it's our statutory responsibility then to alert the victims that this person is up for parole and to get their input on whether or not we should object or not object and/or simply letting them know this person who committed this crime is about to be back on the street so you need to know. If you need any help or assistance or if you feel like there's—so, point being is, quite frankly, until sometimes the death of the defendant or the victim, our office is in contact with these families all the time.

Commissioner Townsend said if there is say a sentence in a particular case of 10 years, a Victim's Advocate in your office would have that case for at least 10 years. Some Victim Advocate would have to be responsible for at least that duration as an example, right? **Mr. Dupree** said yes ma'am. **Commissioner Townsend** said okay. That was it. Thank you.

Commissioner Townsend said, Mayor, I also had a question that probably goes back to the court system. I didn't want to ask because Ms. Peterson is a sub, but if she could answer it, if possible, she talked about the cost or the likelihood of more trials coming up in the future. I would like to know what are some of the costs attended to jurors that go into the budgeting process. I for one had never thought about cost for jurors, so I'd just like to know what some of those costs might

include if she can answer. **Ms. Sparks** said she has left. **Mayor Garner** said is anybody from staff—do we have kind of a roundabout estimate of that cost? **Reginald Lindsey, Budget Manager**, said I do know that when there are more court—like it's more court dates going on, they do have to call in more jurors, so that definitely is an increased cost and one of the things that she mentioned is that they're expecting more capital murder cases possibly and so they will have to bring in more jurors for that. When you have those capital murder cases, you do have to bring in a larger sample of jurors just to get down to who you may end up picking for those.

Mayor Garner asked, do we know what that budget is? **Ms. Kneuvean** said I was just going to share that the jury gets paid \$10 per day, so if you have a capital trial, it's going to go on longer so that's part of why the cost goes up.

Mr. Dupree said one of the things I would indicate, we do not expect more capital punishment cases. I just want to clear that up, but we may expect capital cases going to jury trial of the ones that we already have. We don't want anymore just to put it out there, but with that, for instance, in our analysis we are having to guesstimate that we're going to bring up nearly a thousand individuals for each jury trial. Normally it's just anywhere from 60 to 150 jurors that we bring in for a jury trial whereas for a capital murder case you're looking at 500 to 1,000 because there's so many legal ways for attorneys to have to strike those jurors and going to the \$10 per day per person whether or not they're on the jury or not will add up. It will also add up with the court personnel and the amount of time that happens.

Mayor Garner said you know I'm a data driven type person. Where are we gathering the data, are to—I guess reinforce the expectation that the jury pool will increase for these cases because I'm just looking at if you talk to the Chief of Police, crime is actually down historically. I'm just trying to get the correlation. **Mr. Dupree** said I agree with the Chief that the crime is down and violent crime specifically 27% and I believe that the law enforcement in this county is doing their job, so kudos for that, but I do think, Mayor, that when it comes down to the jury trials and I think the Chief Judge letter kind of stated that we can't guesstimate how many jury trials we will have because 85%, if not more of all cases, that come to—that are charged in our county and across the country end in a plea and they don't go. However, when we have right now two capital murder cases that have been on the books for several years now, and I will tell this Commission that the court, the District Attorney's Office, the Sheriff's Department along with the Unified Government staff and personnel have been working diligently to make sure that we're planning

accordingly for that amount of jurors. When you're looking at a capital case versus a normal jury trial, let's say it's a normal burglary case and it's the simple 12, it will take maybe a half a day or a day to pick that jury. When you're dealing with capital murder and ultimately in Kansas death penalty is still on the table, the statute gives that defendant a lot more rights in that jury trial process and that picking of a jury is going to take minimally a week and sometimes it could take up to four weeks to even pick it versus a day for a regular burglary. Those are the factors that are included when we're talking about the number of jurors as well as the amount of time and dollars.

Mayor Garner said I guess all things considered and I didn't consider the costs from our juries and those citizens that put forth their civic duty to help our Criminal Justice System, but with crime being down and I know we're talking unknowns as far as those figures, I guess what would ease my curiosity just based on what Commissioner Townsend had asked about, that cost is the cost right now based on the estimates that we have currently, is that sufficient because I haven't heard anybody say we need more money for juries. **Mr. Dupree** said I'm standing in for the Chief Judge, but I will tell you that what we're looking at right now is the cases that are already on the books, so not looking or guesstimating on what may come in. Yes, crime is down, but we still have 1,400 cases, felony cases, that we're dealing with over there and we don't know whether or not they're all going to go to trial or, again, 85 to 90% of them going to play out.

Mayor Garner said I guess this is for staff. Have we budgeted accordingly based on those estimates that the District Attorney and the District Courts have given us as far as a potential possibility for the necessity to finance those jury pools? **Mr. Lindsey** said currently District Court hasn't asked for anything over their base budget for 2025. **Mayor Garner** said that answers that.

Commissioner Davis said my apologies to the public and colleagues. I'm not feeling the best and so I had to get home to make sure I'm well and still able to attend this meeting. DA, thank you so much for your presentation. I did want to ask you—because I know we had some conversation, the \$97K which is both salary and benefits, that number, is that just metro wide or where did you come up with that figure for salary and benefits for these positions? **Mr. Dupree** said that was based off of the Victims Advocates that we have in our office now and the pay scale that the Unified Government has them on and so we try to keep a balance pay scale based off of what we already have them on. We didn't really look, though I will tell you that all of my Victim Advocates said that they wanted to do a regional pay grade and scale and I said that's a fight for another day,

the focus is getting help. The numbers that you have is based off of what we have had in our office for the last several years and then the benefits and all of that likewise, again, has fallen in line with the scale that the Unified Government has utilized for our Victim Advocates. **Commissioner Davis** said okay. I mean these are really, really important positions and they do have the implication on just our society overall. I appreciate the work of your staff on this because this is nothing to play with and I know it's not easy work.

Commissioner Burns said I think you need to keep in mind on a jury budget I think the state law allows it to go up to \$50 per day for jurors if you want to do that, so that's county optional though. It would have to be up to the Commission to do that. For example, if you went at \$10 per day and then you go to \$20, that \$250K budget is now \$500K, so I think we need to keep that in mind. I think the DA would agree with me, you never know when grand juries may have to go into effect too and they're not cheap. I think the Judge didn't mention that, but I will.

Ms. Kneuvean said just to note, you should have a copy from the Election Commission, a memo, that they provided and throughout the budget process you will be seeing the requests from not only these Constitutional Offices and the requests that they've made, but all departments will come forward to you throughout this process throughout the next couple of months so you will be getting all of those details. You'll see what was requested and then ultimately what's recommended by the County Administrator and then ultimately you all will make the decision as to what's funded.

Revenue Neutral Rate

KSA 79-2988

Adopted in 2021

State Process for Taxing District to Exceed Revenue Neutral Rate (RNR) for Property Tax

Elected Body Approves Resolution of Intent to Exceed Revenue Neutral Rate on Property Tax (this does NOT set the tax rate)

July 20 Deadline to Notify the UG Clerk of *Intent* to Exceed RNR

Mailing to Taxpayers for All Taxing Districts by UG Clerk

UG Publishes Notice for Public Hearing for Exceeding RNR (10 days prior to the hearing)

August 20 to September 20 – Hold Public Hearing on RNR

August 20 to October 1 – Governing Body adopts Resolution Setting the Tax Rate & FY25 Budget
• **Scheduled for August 26, 2024**

UG City and County Budget Submitted to UG Clerk by October 1

IF Not Exceeding RNR – Timeline is accelerated

June 27, 2024

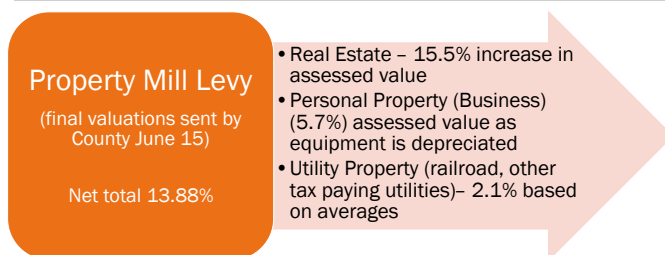
As I said, the purpose of tonight's meeting is to provide you with some information because on the regular agenda we have the resolution for the intent to exceed revenue neutral and as I mentioned, that is not setting the tax rate, that is not committing you to not go revenue neutral, it's simply preserving the option.

Tonight you just heard a couple of requests from a couple of the offices that need more money and throughout my presentation I will be sharing information with you about some other things that we already know would be affecting the budget, but we're still going through the process and it's a bit unfortunate because the process that's set forth in state statute, which was adopted in '21 gets a little bit ahead of our typical process. So, we have to ask you to adopt a resolution before you've had all the information before we've had the opportunity to even finish forecasting all the revenues so that you can make an informed decision.

So, what happens in the state process that they've outlined for you all is that you are asked to approve this resolution or not approve it and if you don't approve it, that essentially means that we're going revenue neutral. That would be making a decision by not acting. We're simply asking you to defer that decision until you have all the information, so we want to preserve that right.

We have until July 20th which is when we have to file with the court—or with the UG Clerk and so we have a little bit of time, but not a lot of time. There is a firm deadline that's set for in state statute. Then there is a mailing to all taxpayers that also outlines when the public hearing will be held, so there's actually another actual public hearing on the revenue neutral rate and on tax levy as well as the UG budget for both the city and for the county. We tentatively have scheduled that public hearing for August 26th. This has been on the calendar that was provided to you all by the Budget Office and we're required statutorily to submit the final budget adopted by the Mayor and Commission by October 1st. We have this process set forth in statute that we're required to follow and so we wanted to provide a little bit of information.

Property Mill Levy Assumptions



As I've mentioned, we've had a number of workshops as well as gather community input through the Dotte Talks, through a public hearing, through the online resources, so we're working hard to get as much information as possible and sharing that with you in kind of smaller bites so that you can digest information and consider it as you ultimately have policy decisions to make.

On the property tax, so the property tax mill levy really is the point that you have the discretion over. You set the property tax rate. That's the mill levy. Those mean the same things and we get the final valuations from the Assessor on June 15th, that's statutorily required, and what was shown in the final valuations was a net total of 13.88%. We did feel like it was important you understand that when we look at those valuations it's by far the majority of it is the real property so that is the majority of the assessed value, but the real property increase was 15.5%. Personal Property for businesses and, of course, we had the presentation about how the manufacturing equipment was taken off the books by the state legislature, but you know these are just typical business personal property; computers, copiers, those kinds of things. Those actually went down in assessed value, so as the assessed value goes up, you're going to pay more in taxes. If your tax rates the same, the assessed value goes down like it is for business personal, you're going to pay less. It's a good analogy to think about when you pay more at the grocery store for a loaf of bread, your sales tax is going to go up because your base product went up in price. It's the same analogy when it comes to your property.

We also have a small component of our property that is for utilities. Primarily that's railroads, but it's also other tax paying utilities. These are only the tax paying utilities and they are going up 2.1%. When you net that all together the net total increase in assess valuation is 13.88% based on the final numbers we have. So, just sharing information.

City Property Mill Levy Scenarios

		FY25 Options for Property Mill Levy			
	FY24	Scenario 1 Revenue Neutral	Scenario 2 Flat Levy	Scenario 3 1.0 Mill Reduction	Scenario 4 2.0 Mill Reduction
Mill Levy	38.459 ¹		38.459	37.459	36.459
General Fund	21.4214	\$35,149,270	\$40,026,477	\$39,092,213	\$38,157,949
Debt Fund	17.0381 ¹	\$27,956,946	\$31,836,168	\$30,932,965	\$29,997,762
Total Revenues Generated		\$63,106,216	\$71,862,645	\$70,025,178	\$68,155,711
Difference in Total Property Tax Revenue FY24 to FY25		\$0	\$8,756,429	(\$1,870,406)	(\$3,740,812)
			1 city mill = \$1,870,406		

¹ 17.0381 of the FY24 mill rate is for debt, or 44%

In terms of the city side, it's more complicated because the Unified Government has city and county, so we've tried to equip you with some information and for you to digest, for you to have as a reference document. This kind of outlines information financially. We talk a lot about the tax rate, the mill levy, but we want to also focus on the dollar amounts that we're talking about.

For the City Property Tax Mill Levy there's two components is all, so it's a little more straightforward than on the county side which has multiple funds. There's a General Fund and there's the Debt Fund and the total mill levy tax rate was 38.459. The breakdown of that is 21.42 for the General Fund and for '24 the debt was 17.0381. We are in the process of updating that number to determine what our requirement is going to be for debt, but we don't have that final number and so some of this is for illustrative purposes only, but to just talk us through how this actually works.

Revenue neutral is what a lot of our conversation has been around and essentially what that means is if you look at the revenue that was generated from the property tax from the prior year and you back into what tax levy would be required because the increase in the assessed value which is from reassessment, but it's also from new development would be required to generate the same number of tax dollars. So, your revenues neutral. Your tax is the variable, but in the revenue neutral situation it's actually a fixed amount that you're then targeting and backing into.

If we were to do a flat levy, this means that your tax rate does not change. We talked about we've had reassessment, we've had new development. Those two things are what constitutes that 13.88% increase in assessed value. So, our assessed value has gone up, so if we were to keep our tax levy the same, but our assessed value, just like your loaf of bread, your

assessed value has gone up, the net impact of that in terms of tax revenues would be \$8.7M an additional revenue that's from the property tax specifically.

If we were to reduce—and I put illustrations on this table simply because they're easy for you to do calculations. This is not a recommendation for one or two or ten, but because it's an easy multiplier, so as you get information and as you digest what ultimately you want to see us do, this gives you the information to do those calculations. For the total tax levy if we were to do a one mill reduction, then compared to the flat levy option would be a decrease of a million eight and our mill levy would be decreased. You see how it goes 37.459. Last year it was 38.459. If we were to do a two mill reduction, we go down to 36.459 and the net effect of that is that compared to if we were a flat levy, it would be a reduction of 3.7M.

Obviously, depending on which scenario you compare against, when you look at the revenue neutral side of 63M you can see what the net effect of that would be, so it's you know in terms of doing the comparisons and what dollar amount we're talking about. This is intended to be able to give you information for every one mill that you reduce in the city levy, it's a million eight and this is in total. Again, this is just information.

I do want to highlight and I think our County Administrator has talked with you also about the mill rate for debt on the city side is very high. It's 44% of the total and that is something as your new CFO that I'm working on a debt policy to bring forward to you all so that we can look at how to right size that and what is the best practice and then a plan forward of how might we get there because that could also provide tax relief frankly if we're able to better manage debt. Debt is an obligation once it's issued. It's not discretionary. We are required to pay our debt payments, but there's an opportunity there if we do a little bit of strategic management on our debt that might be able to help us in the coming years.

City Total Revenue with Property Mill Levy Scenarios (includes all revenue sources)

		FY25 Options for Property Mill Levy			
	FY24	Revenue Neutral	Flat Levy	1.0 Mill Reduction	2.0 Mill Reduction
Mill Levy	21.4214	18.811	21.4214	20.4214	19.4214
Total General Fund Property Tax Revenues Generated	\$35,149,270	\$35,149,270	\$40,026,477	\$39,092,213	\$38,157,949
FY24 to FY25		\$0	+\$4,877,207	+\$3,942,942	\$3,008,679
Total Revenues All Sources *	\$169,522,061	\$174,043,284	\$178,920,491	\$177,986,226	\$177,051,963
TOTAL NET REVENUE CHANGE FY24 to FY25		\$4,521,223	\$9,398,430	\$8,464,165	\$7,529,902

* Other revenues expected to grow by \$4.5 million which include sales tax, use tax, BPU Pilot, IRB/EcoDev/Casino Payments, and other taxes and fees

When you look at, and this is only the General Fund, so I pulled the debt out of this. Again, these are just illustrations for you. When you look at the portion of the mill levy that is just for the General Fund, you can see that we had \$35.1M in FY24, so revenue neutral means that we would still only have \$35.1M. The revenue stays neutral. You can see how the tax rate would go down. It would go from the 21.4214 down to 18.8. At the bottom line when you see total revenues considering all sources, this is information you haven't seen yet, it's new information, but it gives you a context.

This is the General Fund in total. The property tax is one part of the General Fund, but it's not the only part of the General Fund. What we do expect in sales tax, use taxes, fees, all the other things that are included in the General Fund is that we are anticipating growth. Something that this slide tells you is that we will have a net change of \$4.5M simply based on the other revenues that are part of the General Fund regardless of—so, if we were revenue neutral for the property tax, all the other revenue sources would generate more revenue for the county to meet its obligations, which we're going to talk about here in a few minutes.

The flat levy, same information there. This is if we were to say okay, we've had reassessment, we've had new growth, then we keep our levy the same, but we can calculate okay the assess value went up so how much more would be gained in the property taxes. It's the \$4.8M plus that other revenue from the other sources, so the sales tax, the use tax, so you would have a net increase to your General Fund of 9.3, almost 9.4.

The math continues, so then if you do the one mill reduction, you can see what the impact is and that's a reduction off of the flat levy. For the taxpayer, they paid for the General Fund 21.4214, so to get a one mill reduction for the taxpayer, that's the net effect of what it would do in

terms of the budget for the General Fund. For a two mill reduction, again, that's what the math shows in terms of the reduction. Again, this isn't a recommendation, but it's an easy multiplier for you so that you can think about—you know we talk a lot about the tax rate or the mill levy, but we need to translate that into how many dollars are we talking about that we're looking to either forgo or in some cases have to cut out of our Operating budgets in order to have a balanced budget. This is a resource document for you.

BPU Pilot Relief

RESIDENTIAL CUSTOMERS ONLY

- The cost to the City's general fund to reduce the PILOT from 11.9% to 9.9% for residential only is \$2.3 million annually to the general fund
- Projected growth in revenue from general growth as well as the water rate increase of 6% is projected to be \$1.1 million
- FY25 budget proposal – reduce PILOT by 1% to 10.9% on residential only offset by the projected growth in the revenue (revenue reduction of \$1.1 million from the above projections)
- Alternative would be to eliminate the PILOT relief program which is budgeted at \$750,000 per year plus an additional budget reduction and complete the PILOT reduction for a total of 2%

ALL CUSTOMERS (RESIDENTIAL AND NON-RESIDENTIAL)

To reduce the PILOT for all non-residential customers would cost:
 Additional \$2.2 million for 1% reduction (total of \$3.28 million)
 Additional \$4.2 million for 2% reduction (total of \$6.56 million)

One of the other things that affects the City's General Fund and one of the larger revenue sources is the BPU PILOT which we've talked about several times and the Commission's talked about and we've heard you as well as the residents and the desire to reduce that PILOT payment. The promise of getting to 9.9% is a \$2.3M cost annually to the General Fund. One of the things that we have done is we've looked at just from new houses, new businesses, just general new growth as well as the water rate increase that's already been approved by the BPU Board of 6% for next year, that revenue projection is \$1.1M. What we're building so far into the budget is to reduce the PILOT by 1%, so from the 11.9 down to the 10.9 to move into the right direction of reducing that amount in addition to other topics of conversation in terms of that's not really a user fee passed on to the customer. It's on the gross operating revenue for BPU, but just when looking at the math and understanding the common language that people have had, we're looking at trying to achieve a 1% reduction at least in the FY25 budget.

The way that we plan to do that is to offset by the growth, so in a way it's revenue neutral on the residential side only, but revenue neutral for the UG for the city's General Fund. So, the

growth from just general growth, as well as the growth from the water rate increases, we would forgo and that would effectively achieve getting us down to 10.9%.

Through our discussions with the Commission, there's been other suggestions and so we just throw that out there. Again, not looking for a decision tonight, but just as a policy consideration over the coming couple of months until you have to approve a budget. Another alternative would be in lieu of the PILOT Relief Program that was established last year, which is budgeted at about \$750K, we would have to adjust the budget a little bit more, but we could achieve the full 2% reduction to get us down to the 9.9% and be done with the discussion about the promise of getting there benefitting all people, not just the people that benefit from that program. Also with the understanding that BPU does have a Utility Assistance Program for people in need. They have a fund that they have available as well, so there is a resource available to people.

That's an alternative just to think on. Again, we're not asking for decisions, but we're putting together a budget that does at a minimum include that reduction. Down at the bottom reference information, if we were to do it for all non-residential customers, we're talking about quite a bit more that would be a cost to the General Fund. One of the thoughts that we have about that is a lot of our large customers are nonprofits and they don't contribute to the General Fund because they don't pay property taxes and because of that, because they're nonprofits, the way that they contribute to things like Fire and to Police or to the courts is through basically the PILOT payment, so it's a way that they do contribute for that. It's not something that we're looking at and feel like we could tackle this year, but certainly something that's on radar for future consideration and discussion and direction.

County Property Mill Levy Scenarios

		FY25 Options for Property Mill Levy			
	FY24	Scenario 1 Revenue Neutral	Scenario 2 Flat Levy	Scenario 3 1.0 Mill Reduction	Scenario 4 2.0 Mill Reduction
General Fund Mill Levy	28.1797	24.7977	28.1797	27.1797	26.1797
Total Revenues Generated	\$51,964,634	\$51,964,634	\$59,283,963	\$57,180,180	\$55,076,398
Difference in Total Property Tax Revenue FY24 to FY25		\$0	\$7,319,329	\$5,215,546	\$3,111,764

* FY24 total mill levy rate 37.3132: 28.1797 is for general fund or 76%, 2.220 for debt or 6%, and the balance is for elections, aging, mental health, developmental disabilities, county health, CIFI, and Consolidated Park Fund

1 county mill = \$2,103,783

The county side gets a little more complicated of course. I'm going to focus in on just the General Fund. I'm not going to do the total picture and then come down to the General Fund. I'm going to just do the General Fund because it's the largest portion of our property tax rates on the county side. The total mill is actually 37.3132. It's down at the bottom of which currently the property tax rate is 28.1797, so it's about 76% of the total. Again, this is information for you. It's illustrative. We will be bringing forward information for all the other funds as well and then the County Administrator will make a recommendation ultimately on that. This is information for you, but if we were on the General Fund only to reduce that levy, so it works the same as on the city side, but if we were to go revenue neutral, essentially our revenue stays flat because we were 51.9M this year, revenue neutral means we're at 51.9 and what happens is we back into a tax rate which is less than what our tax rate is now. Okay, it's revenue neutral.

If we were to adopt a flat levy, which means the tax rate—the levy rate doesn't change, then we take the full growth of reassessment and from new growth we can calculate that the net impact to the General Fund would be \$7.3M. If we were to reduce from that point down by a mill or from the next for two mills, then you can see the net effect we are still gaining revenue in the General Fund, just not as much and in a moment or two I've got a slide that I hope to share with you. Some of the things we know so you have a context of what does that mean and is that a good thing or is that enough, but it's a context for you in terms of the decisions that you'll have to be making in the next several months.

County Total Revenue with Property Mill Levy Scenarios *(includes all revenue sources)*

	FY24	FY25 Options for Property Mill Levy			
		Revenue Neutral	Flat Levy	1.0 Mill Reduction	2.0 Mill Reduction
Mill Levy	28.1797	24.7977	28.1797	27.1797	26.1797
Total General Fund Property Tax Revenues Generated	\$51,964,634	\$51,964,634	\$59,283,963	\$57,180,180	\$55,076,398
FY24 to FY25		\$0	\$7,319,329	\$5,215,546	\$3,311,764
Total Revenues All Sources *	\$81,975,030	\$79,550,339	\$86,869,668	\$84,765,885	\$82,662,103
TOTAL NET REVENUE CHANGE FY24 to FY25		(\$2,424,691)	\$4,894,638	\$2,790,855	\$687,073

* Other revenues forecasted to decline by \$2.4 million

For the total revenue, again this is just General Fund. We have a different situation on the county side. The property tax levels are the same numbers as you just saw on the previous slide, but our

other revenues we are anticipating are going to decline based on the projections that the Budget Office has done. For revenue neutral it's really not revenue neutral because the fund is made up of more than just property tax. Property tax will be revenue neutral 51.964, but because the other revenues are forecasted to be less, we would actually have a net decline of 2.4M because we're seeing things that are declining.

In terms of the flat levy, if we were to keep the levy the same, you would have growth in property tax, but again, because other revenues are decreasing you're going to have a net bottom line of about 4.9M and that's basically the 7M minus the 2.4. You can see then again, these are for illustrated purposes. We're not suggesting that's the right answer or the right amount, but that way you can do the math and you can understand the impact those dollar decisions have when we change the tax levy.

Expenditure Considerations

CPI rate is up 2.7% and 20.6% compounded since 2020 - the cost of doing business is simply more; public works / infrastructure significantly more 10-15% per year since 2020

CITY	COUNTY
BPU Pilot Reduction on Residential Customers = (\$1.1 million) less in funding	County budget used fund balance in FY24 in the amount of \$2,033,802 - it is not structurally balanced (revenues did not cover expected expenses)
Pay increases of 3% plus benefit increases expected to cost an additional \$5,985,900	Other revenue sources expected to decline in FY25 by (\$2.4 million)
IT costs projected to increase \$1.4 million including cyber security improvements	Pay increases of 3% plus benefit increases expected to cost an additional \$2,542,500
Increase in litigation fund expected of \$1,000,000	Increase over 2023 inmate care (Housings, Food, Medical) by \$1.63 million in FY24 and \$2.17 million in FY25
Transit ATA contract estimated to increase by \$2.4 million (due to end of ARPA)	IT costs projected to increase \$900k million including cyber security improvements
Above considerations requires \$11.8 million in additional funding or cut expenses (new revenue projected at \$9.371 million with a flat levy) with no addition to the reserves	Above considerations require \$10.2 million in additional funding or cut expenses (new revenue projected at \$4.894 million with a flat levy) with no addition to the reserves

This is some information that I feel like is incredibly important because it gives context to the conversation. We are still early in the budget process as we mentioned. You've just heard from a couple of our Constitutional Offices what their needs are. A couple things that in those charts that we just went through that are not yet built in because we haven't proposed a budget to you yet. The BPU PILOT reduction we know that's at \$1.1M, okay, so we haven't built that revenue reduction in yet on those charts because it'll be part of the County Administrator's budget proposal and ultimately you all will decide. We know that contractually we have pay increases that are required with our various unions and so we projected a 3% plus benefit increases that are expected which is primarily the compounding impact of a pay increase of 3% on things like Medicare and so forth of what that dollar amount is and that is roughly \$6M.

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We are anticipating—you haven't heard it yet and, again, you'll see a lot of the department's budget requests that they've made, but we are anticipating IT cost in particular to go up and this is on the city of a million four. The primary reason for that is maintenance agreements on all of our Enterprise systems go up, but also we need to do some additional enhancements due to cyber security which frankly is facing all organizations and we need to spend some more money to ensure our systems are safe.

Litigation on the city side, we are projecting that an additional \$1M allocation would be required based on the trend that we've seen in terms of litigation and settlements and that we need to replenish that fund. Again, more information will be coming forward in terms of the details. These are just some of the things that we know right now.

For Transit, the ATA contract is expected to go up by \$2.4M. They were able to for a couple of years use ARPA money for that and they got a direct allocation. This wasn't the \$80M that came to the UG, but ARPA is ending and so that federal allocation that they got is ending, so to provide the same level of service they currently provide, that would be another \$2.4M. That's a lot of just high level information.

Those things alone total almost \$12M in additional funding or cutting expenses because, again, we are not asking you to make a decision on the property tax at this point. We do know that if we were to have the tax levy stay the same because of the new growth and because of the increase in assess value would be roughly \$9.4M, but that would also have no additional money that would go to the reserves which is also a concern that's been brought before you, so it's not enough just for those things. It doesn't mean that the property tax is the only solution. It's certainly not. There are other solutions that can be pursued as well and that's the whole point of the budget process, so we get ahead of ourselves with this resolution that has to be adopted before you've had an opportunity to see all of those different departmental budget requests and needs and make a decision. We don't really have a choice because that's the statute.

On the county side, we know that we started out the year upside down. To balance our budget our expected expenditures dipped into our fund balance by a little more than \$2M, so assuming the same expenses this year, and I'm not making that assumption, but that number tells you then you would have \$2M out of the fund balance again because our Operating Budget are ongoing operations. It's not to predetermine that decision, but it's just to make sure that you keep

that context in mind. We were not structurally balanced in that fund when the budget was adopted for '24.

We also, as I highlighted, the other revenues that go into the County General Fund are anticipated to decline, that's \$2.4M. The pay increase on the county side is reflected there, \$2.5M. One of the things that the Sheriff highlighted was the increased cost of contractual obligations that we have for housing, for food, for medical and the dollar amount that goes with that is going up from \$1.63M to \$2.17M, so it's a contractual obligation that we have.

IT costs on the county side are looking to increase about \$900K and, again, a lot of that is contractual. It's your maintenance agreements on your Enterprise systems and cyber security enhancements. More information, more details will be forthcoming, but it's just—I felt like it was important to highlight a few of these things so that you have a context for the property tax is one component of two funds, or multiple funds actually, but the city side and the county side. It's a component that funds a lot of services and we already know a few things that are pretty definitive that are increases that are going to occur in expenses that we will either have to cover through cost reductions or through increased revenues from keeping our mill levy, our tax rate flat or some adjustment to it. So, it gives you a context for some of that and a lot more information will be forthcoming.

I skipped over at the very top, but it's an incredibly important point. At the very top is inflation, the CPI rate. We're not immune to this as a governmental entity. We're paying more for copy paper, we're paying more for everything, computers. The CPI rate is 2.7% year-over-year, but what's really important about that is if you go back in time a couple of years, back in 2020, you will see that it compounded. When they tell you that's the inflation rate or the CPI they tell you oh it's only 2.7, but that's on the previous year base. So, if you look at what it was in 2020, it was—well, '21 it was like 8 some percent. I've got the details, but then the next year it was about 5%, so it compounds on top of itself. If you look at just those years since 2020, it's really been about more than 20, almost 21% of basically inflation, the cost of doing business.

On the Public Works side, it's even significantly more. I'm pulling the details on that. I simply ran out of time, but we know that the cost of construction is just astronomical and it's gone up significantly anywhere from 10 to 15% per year compared to the prior year, so that is also a compounding number. If something cost you \$100K last year, it'll cost you \$110K this year and

then if it's going to be another 10%, it's on \$110K, it's on that bigger number, so it's compounding. So, the cost of doing business is just simply more.

Policy Considerations

- Commission Priorities:
 - (1) Fiscal Sustainability – State Statutes require balanced budgeted; goal to be structurally balanced & importance of 20% fundbalance
 - (2) Foster Economic Development
 - (3) Focus on Service & Communication
 - (4) Improve Infrastructure
- Mayor and Commission seeking tax relief for residents
- Mayor and Commission seeking BPU Pilot relief for residents
- Consideration of public input throughout the process
- Other revenues are still under review for refinement
- Departments have submitted new budget expansion requests to be evaluated
- Administration and departments are working to identify opportunities for cost efficiencies

Other things that go into putting together a budget, so we've heard you. The Commission has certainly set some priorities. The first one being fiscal sustainability, which state statute does require we have an adopted balanced budget, so that is a requirement. We cannot deficit spend, but unfortunately, like I had pointed out on the county side we have had to dip into our reserves in order to have a balanced budget which means essentially you're paying for ongoing cost with one-time money, so it's not structurally balanced. You want your ongoing revenues to pay all of your ongoing cost and then we've also emphasized the importance of having a 20% fund balance, which I will share with you many cities and counties and universities and colleges experienced firsthand how important that was when COVID hit. They were hit with not having enough money for things like payroll and what they were going to do without a rainy day fund essentially. It's a real impact, it's a very important of having a fiscally sustainable budget.

Of course we want to foster economic development which lifts up the entire community. We want to focus on good quality service and communication and we need to improve our infrastructure.

We've heard loud and clear from the Mayor and the Commission that you're looking for tax relief for the residents, so we've heard the consensus, the direction that you all are providing. We've also heard that you're seeking BPU Pilot Relief for the residents so we've heard that as well. We're looking at all that input that we've gotten from the public and we'll likely get some more input tonight in terms of the process and hearing the pleas for both of those things, but also

the request for additional or different services or better services. That all goes into the mix. We're still looking at forecasting the other revenues. We have all the departments that have submitted their requested needs that will come before you and then probably most important is we're looking for cost efficiencies and cost cutting. We're looking for things like the Mayor asked about a few minutes ago when there's an opportunity is there a duplication. Is there a way to use technology instead of having it the way that we've used it currently. How can we be more efficient and more cost effective which is simply a matter of good governance and good management.

When we're putting together a budget, these are all the things that we're looking at. We know that there's some needed expenditures. We know that there's policy considerations. We're still putting together final revenue projections. I mean, frankly, at this point we don't even have six months of the current year in and we're forecasting sales tax revenues, for example, for all of next year. So, it's a matter of the timing of these things.

Residential Property Tax Calculations

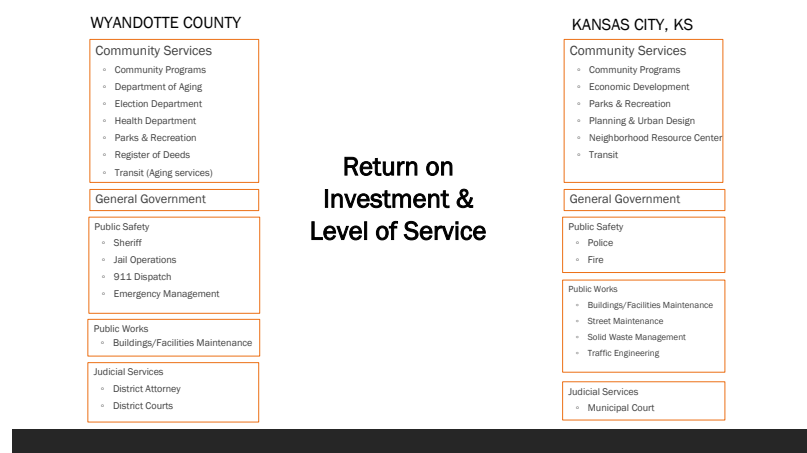
CITY	COUNTY
\$100,000 appraised value of home by County Appraiser	\$100,000 appraised value of home by County Appraiser
x 11.5% = \$11,500 assessed value of home	x 11.5% = \$11,500 assessed value of home
÷ 1000 = \$11.50	÷ 1000 = \$11.50
x Tax Rate KCK 38.477 x \$11.50	x Tax Rate Wyandotte County 37.328 x \$11.50
= \$442.49 per year paid in property tax	= \$429.27 per year paid in property tax

Illustration purposes only

Another thing that we felt like would be helpful to have as a reference for you is a quick calculation of how do property taxes affect the citizen. Now, we know that all houses aren't \$100K. We know that and in fact the Budget Department in one of the workshops provided information based on the average value of houses which was a little more than \$200K in Wyandotte County, but we provide this to you because it's, again, it's a resource document. It's an easy way to calculate, so if your house is a \$100K appraised value, in the state of Kansas it's taken times 11.5% and that becomes your assessed value divided by 1,000 and then taken by the tax rate and this is just the current tax rate. On the city side you would have paid \$442.49 in property tax, that's on \$100K. If you were \$300K, you're going to take that times three. If you were \$50K, you're going to take

it in half, but it's just an illustration that gives you a resource that when you're talking to constituents you can relate to them information.

Same side over on the county side. It's the same math, a different tax rate, but it gives you good information and as you contemplate what the tax levy should be, the mill levy should be for the coming year, you can plug that in and see what the net effect would be to the citizen. Then you can evaluate as a Mayor and Commission is it worth the tradeoff or not, is that enough of relief or not for what would be forgone in terms of services.



We've also heard a lot of conversation about what's the return on investment, where are my dollars going, what am I paying for. This is a slide that you've actually seen before, but it is the list of services between the city side and the county side that show you what the dollars go for. On the county side, because we just had our Constitutional Offices, we have the Sheriff, we have the jail, we have the District Court, the District Attorney; this is what those dollars are going for. They go towards actual services.

On the city side you can see and read the list there, but it's the parks, it's the Police, it's the Fire, it's street maintenance, so you can see what the list of those services are. It's Municipal Court. There are some services that are shared between the two funding sources and so we're putting together like an at-a-glance, so you can see for each one of these functions how much is city, how much is county in terms of the General Fund. So, again, you just have that as a resource.

Next Steps

- **June 27 - Budget Workshop #6 - Requesting approval of RNR Resolution in regular session**
Sets the date for the RNR Public Hearing on August 26
Approval of "Notice of public hearings" to be published at least 10 days prior to the hearing
- July 20 - Deadline to notify the County Clerk of intent to levy above revenue neutral rate
- Clerk mails notices to property tax owners notifying them of the public hearing dates for all taxing districts
- August 8 - County Administrator Introduces the FY25 Budget
- Publish Notice of Public Hearing published at least 10 days prior to public hearing
- August 26 - Full Commission Meeting (special session)
 - Revenue Neutral Rate Public Hearing
 - FY25 Budget Public Hearing
- August 29 - Full Commission Meeting (regular session)
 - Approval of FY25 Budget
- September 30 - Certification of FY25 Budget to County Clerk
- October - County finalizes levy based on revenues certified to County for budget (after appeals)

That's a lot of information, but again, we're not asking the Commission and the Mayor to make a decision tonight except to adopt the resolution with the intent to exceed revenue neutral understanding that we have heard you. We understand there's a desire for tax relief, we understand there's a desire for Pilot Relief. We also are gathering information to provide to you on what the needs are of the community in terms of all of the departments. We've shared with you some things we know in terms of expenditures that are required. That's why we don't ask you to make a decision to set the tax levy this early in the process. It's simply too early, but we need the time and preserve the option so that you can have all the information when you ultimately set the tax levy which doesn't occur until the end of August.

What the resolution does is simply preserves that option. It preserves the discussion. No action is actually an action. I think it's important we understand that. If the Mayor and the Commission were to decide I'm not going to act on that, then you're essentially saying you're going revenue neutral and that would be some pretty significant cost cutting that would be required in addition to the revenue impact, but also in terms of those other known things that we know are going to cost more, contractual obligations for example.

A few things that happen in between, so we have until July 20th and we simply notify the County Clerk whether or not we're intending to exceed revenue neutral or at least want to preserve that option. Then, the Clerk is required by statute to mail out notices to the property owners and they notify—on those notices they notify when those hearings are and as you know the public has been definitely showing up and sharing their thoughts at those public hearings that we've had from this year, but previous years too. It's intended to make sure that they are aware of their opportunity for input. August 8th is when the County Administrator will be making a recommendation to you

on the budget. So with that, when he's got all of the information on all of the revenue projections on what the needs are and which ones he's suggesting that we fund and where's there's cost cutting that's going to be done, he'll provide you with a package of here's a proposed budget and all of that is a whole lot more information than just the property tax, but the property tax is a piece of it. So, his recommendation will be made based on a recommended decision for the property taxes, but you don't have to actually have the public hearing. We have that slated August 26th. That's when you have your final public hearing on the revenue neutral rate for the property tax and you have your public hearing on the budget that's been proposed, so you have about a month from the point that you've gotten a proposed budget to when we are asking you to make a decision. Ultimately, we have the approval of the budget on August 29th. We do actually have until September 30th, so we have a little bit of time built in there should there be more discussion that's needed and we need some additional meetings, so we have time built in there to make sure that the process is thorough and you're given ample time to do your due diligence.

I know it's confusing because when a resolution is put before you to ask you to pass a resolution of intent to exceed revenue neutral, it feels like a decision. That's not our language. That's the state statute language. We don't get to pick that language. All we are doing is saying we need you all to have more time to get all the information so that ultimately you make that decision. It's not locking you into the current tax levy, it's not locking you into a set reduction, it's simply preserving the timeframe for the conservation, but the language of it feels more like a decision. With that, I'm going to pause. I don't know if there's questions, but hopefully, we've got a little bit of time for that.

Commissioner Stites said on one of your slides you had said that revenue on the county side was expected to decline. What's an example of that? **Ms. Kneuvean** said in the General Fund one of the biggest is interest earnings. We've seen really good interest earnings in terms of the last few years, but we don't anticipate that's going to continue, so that's one of the details. I don't know if you want to add anything Reggie or Michael, but I remember that being one of the bigger ones.

Mr. Lindsey said vehicle registrations have also been going down, property tax from those. **Commissioner Stites** said any idea what we can contribute that to? **Ms. Kneuvean** said on vehicles it's completely conjecture, but the cost of vehicles just like everything a little bit—like the cost of housing, the cost of vehicles went up extraordinarily high and so people—honestly

there's higher delinquencies, but people stop buying new vehicles as well. So, it's just a factor of just the general economy. **Commissioner Stites** said do we have anything that substantiates that new vehicle registrations are down? **Mr. Lindsey** said just the amount of revenue that is coming in regarding it.

Commissioner Stites said the other question that I had was the 20% fund balance versus, if I'm not mistaken and correct me if I'm wrong, weren't we targeting—wasn't last year 17% in our fund balance and then why is it now changed to 20? **Mr. Lindsey** said I think we are—and we actually were targeting 25%. That's what our rating agencies would like us to have is 25%. **Commissioner Stites** said but in our presentation it was 20. **Ms. Kneuvean** said that's right. The 20% is what the Government Accounting Office Board, GASB, it's a best practice. It's recommended for municipalities and counties throughout the country to have at least a 20% fund balance. The 25% was feedback as Reggie said and that's probably driven more by the fact because we issue a lot of debt. They're wanting to make sure they kind of hedge against that although even in debt there's some protections in terms of reserves, but that was feedback that we had gotten. 17% is one of—I believe it's the city side that has a 17% as of '24, but we'll confirm that, what the fund balances are on both.

Commissioner Burns said I think it's very important that you emphasize to the citizens tonight that we are not voting on revenue neutral or not. I think the public thinks we are and so I just don't want this resolution to confuse the citizens out there. If you could make it very clear again. **Ms. Kneuvean** said yep. **Commissioner Burns** said okay, it is confusing. **Ms. Kneuvean** said I mean the way the title of it, it's confusing. **Commissioner Burns** said I think a lot of them, that's what they're after.

Commissioner Stites said I just had one follow-up to that. Since the inception and consolidation of the Unified Government any time that there has been a request to exceed revenue neutral, how many times in that creation of the Unified Government has the UG actually went revenue neutral? **Mr. Lindsey** said revenue neutral just started in 2021 and each of those years we have chosen the intent to exceed revenue neutral. **Ms. Kneuvean** said it was a new statute—**Commissioner Stites** said so we've never went revenue neutral. **Mr. Lindsey** said we have never went revenue neutral. We have reduced it. **Commissioner Stites** said we will be voting on revenue neutral tonight. **Mr.**

Lindsey said say it again. **Commissioner Stites** said we will be voting on revenue neutral tonight. That's my guess. **Mr. Lindsey** said no. We will be...

Commissioner Hill said okay, I'm totally confused. So, you're saying we are voting revenue neutral and then somebody else is saying no, we're not voting revenue neutral. **Ms. Kneuvean** said you're not. You're voting for—we're asking you to hold a vote for a resolution that establishes the right to exceed revenue neutral. It does not mean that you will exceed revenue neutral. It doesn't set the tax levy, it doesn't set any of that. All it simply does is provide preserve the option for the Commission once you see the budget. The way the statute is written it's called the Resolution of Intent to exceed revenue neutral. So, it appears like you're making a decision, but you're not. You can still decide later to go revenue neutral, but it's just the title of how the statute requires it, but you're not setting the tax levy today. You don't have enough information yet for you—I mean you all can do whatever you want of course, but you haven't seen a lot of information to be able to make an informed decision and so that's why this gets a little ahead of a typical budget process for a government that has a January budget and they sets the dates. All of these dates are set in the statute. We don't get to set the dates, otherwise we wouldn't bring this to this forward until later in the process. Once you've seen the budget and you're actually setting the tax levy, so before the statute was passed in '21, you wouldn't be doing any of this. You would be waiting, you'd be getting the budgets, you'd be looking at what the requests are, what the revenue projections are and then you would be adopting a budget which would include what the property tax rate would be, but this requires extra steps in the process.

Commissioner Hill said okay, so a couple of things. Number one, you said we have not been presented a budget yet, so that's good information to know, we're not voting on something that we haven't ever seen yet. That's number one and then number two is—this is my other question. Does revenue neutral mean that taxes will not increase? **Ms. Kneuvean** said no it doesn't because revenue neutral means that the Unified Government will not receive additional tax revenue from either reassessment or from growth. How that translates to you as an individual depends on what your personal property, your real property reassessed at and we know by and large reassessment caused values to go up, okay the value of the house went up, so either the tax levy changes or the tax levy doesn't change and if it doesn't change because your value went up,

your taxes will go up. Think about the bread at the store. If it went from \$1 to \$1.50, you're going to pay more in sales tax because now it's on \$1.50.

Commissioner Hill said the reason I'm asking is because several constituents have contacted me very concerned that we are trying purposely to raise their taxes and I want to make it clear that that's not what I would want to do. I would not want to raise the taxes and I think the constituents need to realize a vote for revenue neutral does not necessarily mean that their taxes will not increase. So, that's a very important point to me because one individual said to me are you for revenue neutral or not and I said well I'm not sure yet. I'm trying to figure it out and so this explanation helps me because one of the things I'm really concerned about is we've gotten a lot of information, but no budget and I can't even give a good explanation to the constituents because I haven't seen the budget, I don't know what I'm voting on or anything. But just to hear that this is just a resolution that just gives us time to make a quality decision is encouraging, but the constituents do not see it that way. I've had several say please don't raise my taxes. I can't do it anymore. I'm already trying to move out of here, so I just think it's real important for me to understand about revenue neutral not necessarily going to not raise your taxes.

Ms. Kneuvean said the other thing to keep in mind as you talk to your constituents is that we are one tax district over two, but we are one of many. At the end of the day when people look at their tax bill, they look at how many dollars in total they're paying and there's variables. The things that vary are your assessed value and then the tax levy for all of the taxing districts. That includes your school districts, it includes your library, it includes all of these other taxing districts, the community college. All of those elected bodies are making decisions too, so it is complicated.

Commissioner Hill said it is. Okay, one last question. I heard earlier this year in one of our meetings that all the taxing entities should meet so that we together could come up with a plan on how to work together to not raise taxes in our community. Is that a possibility. Who would put that together? I've heard it mentioned several times, but I haven't heard a date or a time or anything.

Mayor Garner said that's a good question. I know we facilitated some of those meetings last year. There may be legal implications of that. Do you want to weigh in Counsel? **Angela Lawson, Interim Chief Counsel**, said yes. If there were joint meetings, then both entities would have to

notice them as public meetings. **Mayor Garner** said but it can happen in my office usually. We can facilitate that and we'll make that happen at the request of the Commission. **Commissioner Hill** said would that be before the budget is—**Mayor Garner** said it's not so much predicated on the date of the budget as it is opposed to trying to get all these taxing entities and all the relevant people schedules aligned to meet. That's the biggest challenge because you've got numerous people on these boards and then trying to get them all in one place and then how do you structure those meetings. The logistics of that is another challenge.

Commissioner Burroughs said, Ms. Kneuvean, thank you for a very thorough presentation this evening, very easy to follow. I like simplicity when I'm looking at budgets and you've made this pretty transparent. I want to share with you what I've pulled from it if I may and if I'm incorrect, please share it with me where I'm at and I'm looking at the page that talks about expenditure considerations. I see \$23M in new projected requests, but in the documents it shows if we leave—if we don't do revenue neutral and just leave flat tax, it's only \$14.2M, so we're already \$9M under water from the requests. The only way we would be able to meet the \$23M in projected requests would be to raise taxes or fees to cover those costs.

I'm really pleased that you made comment about the city and county comparison on the 11.5% on assessed value because I multiplied these by two, by three, by four, by 500 thousand to get to a number, but it wasn't inclusive of the other taxing entities which are really hidden costs. So, when you talk about that tax increase even though if we were to go revenue neutral, the new appraised value wouldn't hit until the next budget cycle, but those that are not using revenue neutral would be passing the tax increase on to the public. If that's incorrect, please correct me. **Ms. Kneuvean** said it's not incorrect. The issue if you will that's really precipitated all of this is that the assessed value has gone up and it's gone up extraordinarily just like inflation and there might be other remedies to look at how to address that. For example, in Kansas we have the Homestead Act which helps for senior citizens. There could be other ways statutorily that maybe those things could be addressed, but that's what's precipitated a lot of this. The cost of goods, the cost of bread, the cost of housing has all gone up.

Commissioner Burroughs said I appreciate that. What I found a little fascinating was the amount of revenue that we would take in and I think you put it right up very front, it was like \$14M. I went through it and was calculating some numbers, so I hope those are correct, but in

doing so, it's just very concerning when we have talked about budget constraints and I see \$23M of need coming forward when our projected tax increase if we choose to do nothing, is still \$9M short. So, there's a disconnect somewhere in what we're trying to do. I would hope that—we can't do it all at one full swoop because it's not prudent to do; however, \$23M if we needed only \$14M and didn't do anything and took the \$14M, we are still \$9M short. So, \$9M in cuts are going to have to occur somewhere and you know people talk about those cuts or to services, we don't know what those cuts are. When there's comment made that we're going to have to cut personnel, we're going to have to cut services, there can be cuts, there can be efficiencies. It's very easy to throw what I call the low-hanging fruit under the bus when it comes to really looking at these budgets and being prudent and strategic in how we go about restructuring our budget.

I want to thank you for the walk through this evening because this was very transparent and I think it really hit home.

Ms. Kneuvean said I do want to emphasize that the tax levy, property tax one variable. It's an important one and it's a big one and it's the one that probably hits home most to residents, but there's other revenue sources that also come into play, then there's also known increases, but there's also how can we cut cost. It's not just through raising revenue. It's both. Just like any of us on our own budgets you might need to get a second job if your costs go up or reduce your costs. It's no different. We're just talking about a lot bigger numbers, but it's really no different and so you know we understand that and I hope one of the takeaways that the Mayor and the Commission have is that we're hearing you and a budget that we're putting together we'll do our very best to balance all of these things, property tax relief, pilot relief, looking at these known things we have coming at us, cyber events, contractual obligations, new requests for services. You just heard some of them, but there's many others. We've got to balance all of that and you all have to have time to be able to be presented all that information so that then you can make a decision and a decision you will have to make in late August is what should our property tax rate be for the next year, but it fits into a bigger picture.

Like I said, it's really—it's a unique thing to Kansas. It's not this way in Missouri, but it is the process that we have and I think it's intended to—or I think it was intended to hold entities accountable. There's a good intention in this, but it's just that there's a lot of levers to pull and so it's that you all have to look at the level of service, the citizens want a return on the investment,

what they're paying. They've had these assessed values go up and the only thing that you all can do is adjust the tax levy based on the current law. There could be things to look at in the future that could help hedge against that to protect people so they have more time to adjust to increased values and it then takes the issue a little bit down in terms of the impact it has on people and on their budgets because it's real. I mean it's not that the citizens aren't being legitimately honest with what the needs are. They absolutely are and we've seen it. It's not unique to Wyandotte County. It's been an issue from when I worked across the state line in a large county, it was an issue there, huge issue where people were getting assessed values that had grown 400% because they hadn't gotten reassessed in 10 years.

When you have an economy like what we've just gone through and you have inflation and all of these things happening, it catches up. So there needs to be, maybe at a higher level too, some policy discussions about what could be done about that, but all we have is the ability to share with you information. You only have part of it now and it's simply because we're still developing it and this just has to be done sooner in the process because of how the statute is.

So you know some of our other taxing districts, their fiscal year starts July 1st. We don't start a fiscal year until January, so they're in even a bigger bind because they don't pass even their intent for their budget until the end of August because it's dictated in statute when that gets filed. Okay, a good two months after the start of the fiscal year and that's how it is at the college for example. This is a well-intended policy but it just doesn't really fit the processes we have in place.

Again, I totally understand the position that the Commission and the Mayor are in with this resolution of this intent to exceed, but you are not committing to a tax levy. You're not committing to exceed it, you're not committing to not exceed it, you're just not committing. It's simply preserving the option and it has a timeline that goes with it in state statute that then will allow you to get more information in terms of a presented budget. Then you have to make policy decisions, what do we cut, what are legitimate expansions that are needed. We heard some tonight like our Victim Advocates, what can we do with the property tax. All of that goes into the mix so that you all ultimately then make a decision at the end of August.

Mr. Johnston said I guess I just want to add a couple things. The issue about fund balance came up. GASB, which is a Government Accounting Bureau, recommends a minimum of 17%. That's a two-month reserve. They're highly encouraging governments to look at 25% which I think we've

incorporated as an ideal in our policy. Early in the budget presentations that Reggie led, there was a sheet from our rating agencies that said if you want to improve your bond rating, with our rating at A2 I think we're at or AA2, whatever it is, for us to improve it to get borrowing costs less, they'll want to see us plus 30% reserves. Those are things that we have to consider. This is also probably the first time in my time that you didn't have Reggie's five-year budget model before you. The discussion that we've had today is the snapshot for next fiscal year and what we tried to do last year and will continue to do it this year, is that you don't fall into the trap of managing your budget like a checkbook. I can't afford it this year and that's the only decision I want to make or I can afford it this year, but can I afford it in year three and four with some projections out there. We'll continue to present that as well as a lot of the information that Reggie and Shelly has presented because our goal is to have you make the best informed decision to serve our citizens.

I can tell you we've had some very interesting discussions at the staff level when it has come time to say the Commission would like to see less property tax revenue, less BPU PILOT revenue and what does that mean to your Operating Budget. Because we've had some departments that really have never been asked what impact would this have on your budget and we're putting it in front of them, they're like you're serious. Yes, we are and so there is a lot of work to be done, but we don't want you to make decisions in a vacuum. Like I said or like Shelley said, this is kind of a, pardon the vernacular, bass ass backwards form of budgeting where we have a state requirement before you have any information to make the final decision that you want.

So, that's why I think our recommendation is that you just pass it, but reserve the right for a final decision when you pass the budget, not this early in the process. Because if you pass it revenue neutral now, we're not going to tell you what you can do in expanded programs because those are off the table. We're going to probably tell you we're going to have to look hard at adjusting the cost side of our budget, which "may", I'll put that in quotes, may mean cut services across the board. It may mean impacts that people are used to receiving from the UG, not getting anymore. We're not at that point in time for you to make those types of decisions because you don't have that information yet. So, that's just your Administrator talking.

Commissioner Townsend said first I want to commend CFO Kneuvean and her entire staff, Budget Director Lindsey and I am looking at the hard printout from I think—I have on here this was our first presentation for this budget cycle on March 21, 2021 and it dealt with the revenue

neutral issue and in that Budget Director Lindsey did give us a five-year forecast of what it looked like for the city and county funds, revenue neutral and full valuation, so we do have some numbers and CFO Kneuvean's presentation was really great. I don't have a hard copy, so I was trying to listen to you CFO and watch the screen as well, but I'll get it.

Simply put, and several of the commissioners who have spoken already, Commissioner Burns and Commissioner Stites have alluded to the fact that to the public we can't emphasize enough, this should be retitled keeping the door open recommendation because that's what it does. If this is passed tonight, it does not mean that at a later time after this Commission has more information about what people need in the departments, we've heard some of that tonight and/or cuts that the Administrator just talked about, where that should go. You know cuts and services if that's appropriate. This just keeps the door open. That's what we should really call this document tonight as we discuss revenue neutral and it does not mean that at a later date in time as we go through this process if the Commission so sees fit, that we can still lower the mill levy rate.

As I recall the discussion though from March 21 the revenue neutral rate would force us into a mill reduction of I think the number was about 8%. That may or may not fit what we're trying to do in terms of, as we said, look at the reserves we need to have. That's all I wanted to say about it. We're just keeping the door open for further discussion, more information, and more analysis. It doesn't mean, constituents, that we may not cut the levy rate, the mill rate at a later time. It's amazing, it's just because in these last three years I believe that we've had to do this. We've been setting the mill levy or not to exceed for a long time. I mean this from the state of Kansas has just caused a lot more attention to be drawn, but we just need to keep at this point our options open.

Commissioner Davis said I do have just a few questions. Let me ask this. We have collective bargaining agreements that we all voted on. Many of them were unanimously voted to approve that binds the Unified Government to pay benefits and increases in salary. If we were to go revenue neutral, is there enough revenue in place for us to honor those collective bargaining agreements? **Ms. Kneuvean** said the quickest way to answer that question is on the city side no. Well, that's not true, so if that was the only thing that we were looking to do was to fully fund those contractual obligations, on the city side it's roughly \$6M and then we project—yeah, we'd still have to make cuts because the other revenues are going to grow \$4.8M, but that's not enough, so we would have

to make cuts. Unless there's some growth in the property tax revenue, not the tax rate, but the revenue, then we'd have to make other cuts to make up the difference to meet that contractual obligation.

On the county side the answer is also no partly because we started out the year upside down. We started up \$2M upside down and so when you put in that we have a contractual obligation for another couple million plus, then we're already starting out in not the greatest position. It doesn't mean that you have to increase the revenue from property tax, which again can be a flat levy, that gets you an increase in revenue. It can be through reductions. On the General Fund side, some of that is paid for through growth and other revenues, but it wouldn't be enough to fully fund that obligation, so we'd have to be looking for reductions.

Commissioner Davis said I appreciate that and I think it's super important as we're having this conversation that we acknowledge the prior commitments that we made to our unions regarding our revenues and those revenues do include property taxes to our employees who work hard and, of course, we have non-union employees that work hard as well.

The Constitutional Offices, our Election Commission, the DA's Office, many of them have this mandate that ironically is also set in place by the state that we provide them adequate resources. If we were to go revenue neutral, would we be able to honor the requests from the Constitutional Offices on the county side of the budget?

Ms. Kneuvean said I'm going to go with no, but it depends also on all the other decisions you have to make. So, we can't absolutely say that it would be no because hypothetically if the District Attorney needs \$500K more, we could make reductions. In fact, he specifically called out \$50K that he's making as a reduction within his budget, so we can approach some of those new asks through offsets, through reductions in budgets and not just the department's budget, but in all the departments that are funded from that funding source. So, it depends is the answer and it just depends on all the—there's a lot of levers to pull on this. You've got a lot of requests you haven't seen.

We just tried to highlight a few things that we know because they're very contemporary. We know there's contractual obligations, we know that IT costs are just going through the roof. These are things we know, so we know that we're going to have to tackle them in a budget proposal, but there is no real solid way to say yes or no because it depends on all the other decisions you all have to make.

We know that the ARPA money is going away. That's for sure happening so it's going to be \$2.4M more for Transit for the same level of service. A decision could be that the level of service changes, that's a decision until we can find more grant money. A decision could be that we look for reductions in Transit or in other departments that would offset that, so there's lots of options still to go through. I really want to emphasize that we feel like it's important, and I do like the way that if we could get the state legislature to retitle this, keep the door open, or change the timing of this so that you're adopting this resolution once you have all the information and you're making just a decision, one decision on what the tax levy is going to be. That's the real decision that you all have to make later in the budget process. Right now it's premature to really ask you to make that decision or even an inclination because you simply don't have all the information.

Commissioner Davis said yeah, and one more question, so we have economic development projects that received incentives and those incentives end and that's kind of the whole point is we'll help you get your project kind of off the ground, you're paying a PILOT, you're paying sales tax, what have you, depending upon your development agreement, but once your incentive is done you're paying full market rate property taxes and all that stuff. So, are we able to realize the increase in revenue in the growth in our tax base from economic development, from economic development projects, are we able to realize the growth in revenue for our tax base if we were to go revenue neutral? **Mr. Lindsey** said no, we will not. **Commissioner Davis** said can you explain a little bit more as to why not? **Mr. Lindsey** said what happens is, we cap the revenue at the same amount of revenue we collect in the prior year, so any excess value growth we do not get to realize that.

Ms. Kneuvean said if a new business—take aside the economic development incentive, but it's a good point because you could have some that are coming off the books, but a more simple way to think about it is if you have a new company that comes in, they build a new building, Amazon builds a new building, so if you cap your revenues, you don't realize any gain from new growth, new development for that year. So, it's two things that go into that. It's the increase, the reassessments, but it's also new growth and probably a third thing to your point Commissioner, is economic development incentives that are coming off of the books and having the opportunity to realize the revenue from that, so it's an excellent point. I also know the Economic Development Council has prepared a report and they're looking at that exact issue right now. Have these projects

that the UG has done really generated economic benefit and they've been working on that report with a consultant to measure that and to provide you the data.

Commissioner Bynum said question for the Mayor and the Administrator, I do think that the timing in the state statute around these requirements of revenue neutral are odd and they do not match up with budget cycles at all. I wonder if when we speak with our—when we make our policy recommendations to Topeka next year if that should be something that we're asking them to please take a look at because it's hard to even understand why the legislature would put dates like this into a state law knowing they don't match up at all with the already existing laws around adopting budgets. It seems like it could be something that we could ask in our legislative agenda.

Commissioner Lopez said I appreciate what our Administrator was saying about—what was funny is sometimes as a business grows too fast and as a growing business is like we're running things and a business can grow too fast and it could ultimately take a bath. What I'm saying is sometimes you just—we are growing at a high rate of speed and I think we need to look at cutting some budgets, cutting some—because we're growing way too fast and we need to slow it down. We probably just need to go back and shut the door of having this revenue neutral exceeding all that on the table. Just shut the door and say all right, this is what we need to do. We need to cut some fat off because we're growing way too fast and it's starting to hurt us.

Mayor Garner said I just had a few questions before we close. Looking at the—equating the additional revenues from the projected mill levy increase, I didn't see, maybe you're still working on it, but what would the projected budget be that we may be asking the Commission to ask to pass? **Mr. Lindsey** said it's still really early in the process Mayor, so we don't know that yet. We're looking—throughout the month of July we'll be working on those numbers. We don't know what the expense budget will be yet. We're still doing estimates. **Mayor Garner** said it's potentially set to be more than the 467 that it is now, correct? **Mr. Lindsey** said potentially, but I mean depending on going through the process what we see, we definitely will have to make some cuts. Even to get new things in we will have to reduce services.

Mayor Garner said if my memory serves me right, going back five years, the year before I became Mayor we had a \$380M budget. Am I correct? **Mr. Lindsey** said I can't say I remember

that right off. It is possible. **Mayor Garner** said don't quote me, but I think in that ballpark and then I became Mayor it was 421 I believe. Last year it was—the year after that 432, now we're operating in a \$467M budget and then we're projected to exceed that. I guess in line with that, with the property value increases, I know the first year I became Mayor we equated that to about a 9 mill increase exceeding revenue neutral and I believe last year it may have been 13 or so, give or take, what would that be this year? **Mr. Lindsey** said I think it's about a 9 mill this year also. **Mayor Garner** said 9 mills. If you add all those up and compound them because I now the first year I was Mayor the Commission raised the decreased 2 mills on the increase so instead of 9 it was 7 and last year the Commission chose to take the full increase from the valuation increase which was 13 or something, give or take, don't quote me on it. So, this year you're saying estimates may be around 9. **Mr. Lindsey** said that is yes, but that doesn't mean we're going to take the whole 9. **Mayor Garner** said well, it'll be up to the Commission. I'm just, you know, I know future—**Mr. Lindsey** said one thing I—**Mayor Garner** said you know, a future of indication of what this Commission may do. I'm just going off what I've seen since I've been here is that—and I think it goes in line with what Commissioner Stites has said. We've had options for revenue neutral and even before revenue neutral hit the books, the Truth in Taxation Law of 2021, it's been the same song and dance. We've continued to increase our budget and I think there's some misconception that oh, we reduced the mill. Technically we have not reduced. We've taken the increase which equated to mills and we reduced the increase, so we didn't take the full increase and that's what that is.

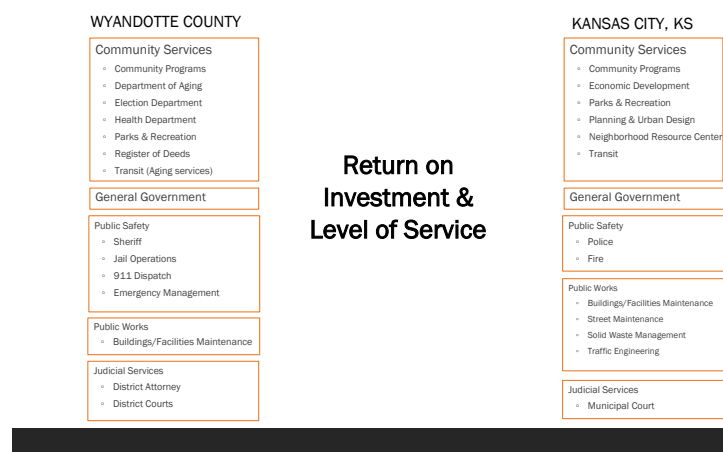
Just my study of the Truth in Taxation Law, basically if we spent \$1 last year and the Commission chooses to go revenue neutral, that means we will have to spend \$1 next year and budget within that \$1. Is that correct? **Ms. Kneuvean** said the variable that's probably lost in that is inflation, just very honestly. If you just run rough numbers, and I'm not asserting that this is an absolute explanation, but 380 with 20% inflation compounded gets you to 460. Things are costing so much more and that's not including, which in our budget infrastructure, is a huge part—**Mayor Garner** said I'm not talking cost. I'm just talking the state law. The state law basically—the Truth in Taxation Law basically just limits you. That's what revenue neutral means. It caps you at basically operating the same budget going into your following year of the budget that you're operating in this year.

Now, I heard some things about whether we're raising property taxes or whether we're not raising property taxes. The reality is when values go—valuations go up, it equates into a mill increase which he just acknowledged. Then, if you equate that mill increase, for me if I'm a homeowner, my property taxes do go up indirectly by virtue of the valuation increases that occur in the county. Revenue neutral mitigates that, not completely, but mitigates that from my understanding of reading the law and folks that I've asked to the point that it's not as burdensome on some of our residents because what it does, it's forcing us, even with the cost increase, and every year I hear cost increase, to operate within a box that says okay, you went revenue neutral, that means you're capped at operating within that box, which means you've got to find ways like I would do if I was in a budget crunch, to tighten my belt, find cuts, bring about consolidated services, operate more efficiently to give the people what they want. Why is this important to me, because I hear a lot about priorities and needs and things of that nature.

The one thing I haven't heard that has not wavered is the request from our residents saying that they want property tax relief, real property tax relief. I can't even say with our current financial situation right now—I've talked to the Administrator, I've talked to you all and I appreciate the work you all have done that has taken that red out. When I came back from my surgery and it's pushed out to about 2030, is that correct? **Mr. Lindsey** said yes, past 2030. **Mayor Garner** said but that's predicated on property tax increases from valuation increases. Is that correct? **Mr. Lindsey** said but we don't in the outer years with our estimate we're not looking to get like a 13% increase and that is very minimal, like looking at a 4% increase or so. **Mayor Garner** said I get it, but it's still based on the valuation increases from not going revenue neutral and that means whatever valuation increases are there the intent of the Unified Government is to capture those dollars to do those things that you're saying that we need to do.

What's disturbing to me is that I don't see any options, and maybe it's just not there, I'm saying you're not doing, but it would have been good to have something or at least been told budget options that reflect streamlining and cutting for this Commission to consider moving forward. When you talk about total budget numbers, I talked about for five years, it'd be good for the Commission to see that to see how our budget has ballooned probably over the last 10 years, how the valuations have ballooned and what that equates into a mill levy and see how that's increased. I think that the public—I would like to see that and to see how much money that's generated and how that equates to these bloated budgets.

The other thing that I would like to—there's a slide there and if you can go back, I don't know if you can still show the slide of all the services that we provide to our residents, which is great. **Ms. Kneuvean** said maybe the next to the last slide and that's just a listing. I mean it's incredibly high-level information. It's not quantifying it for you. **Mayor Garner** said I'll be quick.



There you go. One thing that maybe would be helpful for me, I don't know about my colleagues, but an expense breakdown. I get that these are all the services, that's great, we're paying for that as a generalization, but what exactly are we paying for. What are our taxpayers paying for and then out of those things that we're paying for is actual expenses down to the penny. What are obligations be it statutorily or just to maintain the essential functions of running this government. Then, you get beyond that I think it would really be—I want to see, like I had to do when I was on the Police Department, I had to look at things that I wanted and things that we needed to keep services going. I think that would be interesting to help this Commission better guide our Administrator and you all on better defining where we could find some of those cost savings. I think the overall thing that I'm looking at is I think revenue neutral, the Truth in Taxation Law and I'll read something and this comes from Kansas Senate Tax Committee Chair, Caryn Tyson. It says in two years the Truth in Taxation Law or revenue neutral has been shown to be effective in restricting taxing and spending increases in many local governments. Elected officials can certainly adjust spending to avoid property tax hikes if they want. Senate Tax Committee Chair, Caryn Tyson of Parker applaud the two-year old law. The revenue neutral rate law requires your government to give you a clear picture on how they're increasing your property taxes.

So, when you go above revenue neutral in effect you are basically telling the residents your intent is to capture those additional revenues which will cause a property tax increase. Now, how much is going to be at the discretion of the Commission and, again, the Commission has full discretion. If they go above to not take all of those revenues and budget or they can go revenue neutral without even abiding by the revenue neutral law and even lower the mill levies even lower if they want to. They have full discretion to do that, but I think this law really obligates the Commission to obligate—to operate more efficiently and to streamline and find those cost savings because, just my opinion, is I just think that to continue to tax, to spend, to borrow and I know we’re trying to work on dipping out our reserve fund is not sustainable. Even when we push it out to the 2030, we still haven’t resolved the problem. At some point I urge this Commission to take the political courage to do what is necessary to really bring this Unified Government into a level of fiscal responsibility and to bring our residents real tax relief.

Every year I’ve heard the same thing from the Commission, maybe next year, oh we need to look at it and see where we’re at. It doesn’t mean we’re going to do X, Y & Z, but every year there’s been a tax increase and everywhere I go in this community I have to deal with that and so just one of the things that I wanted to say.

That’s it. I was advised of the time. Thank you so much staff. Great presentation. I’ll take a motion to adjourn.

Commissioner Burroughs made a motion, seconded by Commissioner Lopez, to adjourn. Roll call was taken and there were eight “Ayes,” Lopez, Stites, Davis, Bynum, Burroughs, Townsend, Burns, Hill.

**MAYOR GARNER AJOURNED
THE MEETING AT 7:34 p.m.**

Monica L. Sparks
Interim Unified Government Clerk

dt

June 27, 2024

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

SPECIAL MEETING, THURSDAY, JULY 11, 2024

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, July 11, 2024, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Burns, Commissioner Second District; Ramirez, Commissioner Third District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Mayor Garner, Mayor/CEO, presiding. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Sheri Courtney, Attorney; Karl Oakman, Chief of Police; Rodney Lucas, Executive Assistant to County Administrator; and Monica L. Sparks, Interim Unified Government Clerk.

Mayor Garner called the meeting to order at 5:15 p.m.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in person on Thursday, July 11, 2024, at 5:15 p.m. in the fifth floor conference room of the Municipal Office Building for an Executive Session regarding matters relating to the security of a public body or agency, public building or facility, or the information system of a public body or agency.

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 Garner said do we have a motion to go into Executive Session to discuss matters related to security measures?

Commissioner Burroughs made a motion, seconded by Commissioner Davis, to go into Executive Session until 6:20 p.m. to discuss confidentially, so as not to jeopardize the integrity of security measures that protect private property or persons, all as justified under the security measures exception in the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion: David Johnston, County Administrator; Karl Oakman, Chief of Police; Angela Lawson, Interim Chief Counsel, Sheri Courtney, Senior Attorney; Rodney Lucas, Executive Assistant to County Administrator; and that we reconvene in open session at 6:20 p.m. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, Burns, Ramirez, Hill, Kane, Lopez.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Burns, Commissioner Second District; Ramirez, Commissioner Third District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO; presiding. **Staff present:** David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Sheri Courtney, Senior Attorney; Karl Oakman, Chief of Police; and Rodney Lucas, Executive Assistant to County Administrator.

Mayor Garner reconvened back into Special Meeting at 6:20 p.m.

Commission Ramirez made a motion, seconded by Commissioner Bynum, to adjourn. Roll call was taken and there were ten “Ayes,” Stites, Davis, Bynum, Burroughs, Townsend, Burns, Ramirez, Hill, Kane, Lopez.

**MAYOR GARNER AJOURNED
THE MEETING AT 6:21 p.m.**

Monica L. Sparks
Interim Unified Government Clerk

dt

July 11, 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: June 13, 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 June 7, 2024 – June 13, 2024

1. PUBLIC NOTICE:

- Alandon Tow Service, 6224 Kansas Ave., Kansas City, KS 66111, held a public auto auction on June 4, 2024, at Alandon Tow Service.

Action: Received and filed.

2. CLAIM FOR DAMAGES:

- Linda Chaplin, Kansas City, KS, alleging damage to personal property on 5/19/2024.

Action: Received and filed. Copies previously forwarded to Legal.

3. TRAVEL REQUESTS:

- William Blackwell, KCKFD, travel to Emmitsburg, MD, from 8/24/2024 through 8/31/2024, to attend Command and Control of Incident Operations, Employee Training and Travel.
- Kevin Fithian, Richard Harris, and William Johnson, KCKPD, travel to Scottsdale, AZ, from 8/25/2024 through 8/30/2024, to attend National Real Time Crime Center Conference, Employee Training and Travel.
- Mark Heath, KCKFD, travel to Broken Arrow, OK, from 6/16/2024 through 6/21/2024, to attend Promotional Testing Assessor, Employee Training and Travel.
- Mike Searcy, KCKFD, travel to Columbia, MO, from 6/7/2024 through 6/7/2024, to attend MOTF 1 Training, Employee Training and Travel.
- George Sims, KCKPD, travel to Las Vegas, NV, from 10/22/2024 through 10/25/2024, to attend LRIS Collective Bargaining for Public Safety, Employee Training and 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: June 20, 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 June 14, 2024 – June 20, 2024

1. COMMUNICATION:

- Tomi Francis-Ramirez, Executive Director, Downtown Shareholders, submitting the financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of May 2024.

Action: Received and filed.

2. CLAIM FOR DAMAGES:

- Wesley Barbarick, Lenexa, KS, alleging damage to his vehicle on 6/14/2024.
- Lucia Herman, Kansas City, KS, alleging damage to her vehicle on 6/17/2024.

Action: Received and filed. Copies previously forwarded to Legal.

3. SUMMONS:

- Manuel Ledesma vs. The Unified Government of Wyandotte County/ Kansas City, KS., Civil Action No. 2:24-CV-2243.
- State of Kansas vs. Christopher Alexander., Case No. WY-2024-CR-000535.

Action: Referred to Legal. Copy previously forwarded to Legal.

4. TRAVEL REQUESTS:

- Tiffany Butler, Public Works, travel to Wichita, KS, from 8/26/2024 through 8/29/2024, to attend KWEA 2024, Employee Training and Travel.
- Chad Womble, KCKFD, travel to Emmitsburg, MD, from 6/22/2024 through 6/29/2024, to attend National Fire Academy, Paid by FEMA.
- Wendy Green, Legal Dept., travel to Chicago, IL, from 12/11/2024 through 12/14/2024, to attend IAAO Legal Seminar, Employee Training and Travel.
- Janae Robbins, and Matthew Willard, travel to Denver, CO, from 8/24/2024 through 8/29/2024, to attend 2024 IAAO Annual Conference, Employee Training and Travel.

Action: Approved by Administrator's Office and received and filed.



Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #		
RESOLUTION: MIES WHOLESALE MEATS INDUSTRIAL REVENUE BONDS		
BACKGROUND		
Adoption of the resolution of intent to issue Industrial Revenue Bonds and the performance agreement.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
n/a		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Resolution of Intent - Mies Wholesale Meats (UG), Performance Agreement - Mies Wholesale Meats (UG), Exhibit A - IRB Application - Mies Wholesale - signed, Exhibit E - Performance Agreement - Mies Wholesale Meats (UG), REDLINE - Resolution (6.18.2024), REDLINE - Performance Agreement (6.18.2024), CBA_Mies Meats_WithLMW_05302024, CBA_Mies Wholesale_without_LMW_06172024		

Approved by Mayor and/or Chair and Administrator to add to agenda.

Handwritten signatures and date:
 [Signature] 6/24/2024
 [Signature] [Signature]

RESOLUTION NO. R-__-24

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$17,450,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING AN INDUSTRIAL FACILITY FOR THE BENEFIT OF MIES REAL ESTATE 6036 SPEAKER ROAD LLC AND ITS SUCCESSORS AND ASSIGNS

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government 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 Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial 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, Mies Real Estate 6036 Speaker Road LLC, a Kansas limited liability company (together with permitted successors and assigns, the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, purchasing, constructing, installing and equipping an approximately 75,000 square foot industrial facility located generally at 6036 Speaker Road in the City of Kansas City, Kansas, as more fully described in the Application (collectively, the “Project”) through the issuance of its industrial revenue bonds in one or more series in the principal amount of not to exceed \$17,450,000 (the “Bonds”), and to lease the Project to the Company in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act in a principal amount of not to exceed \$17,450,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company; and

WHEREAS, to set forth certain terms of the Project and the proposed property tax abatement, the Unified Government desires to approve the Performance Agreement between the Unified Government and Company (the “Performance Agreement”) and authorize the Mayor/CEO’s execution thereof.

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

Section 1. Approval of Project The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project

shall be generally located at 6036 Speaker Road in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed \$17,450,000, to be issued pursuant to the Act.

Section 3. Ad Valorem Tax Abatement. In consideration of the Company's decision to acquire, construct, improve and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the Unified Government under Kansas law, including the school district's capital outlay levy) for all property (including real property, building improvements, machinery and equipment) financed with the proceeds of the Bonds.

In consideration of the Unified Government's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax as set forth on **Exhibit A** hereto, and such amounts shall be set forth in the Performance Agreement and subject to adjustment as set forth therein. The Project shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued.

Section 4. Performance Agreement. The Mayor/CEO is authorized and directed to execute and deliver the Performance Agreement between the Unified Government and the Company on behalf of, and as the act and deed of the Unified Government, in substantially the same form as presented to the governing body on this date with such corrections or amendments thereto as the Mayor/CEO, upon recommendation of the Chief Counsel of the Unified Government, may approve.

Section 5. Provision for the Bonds. Subject to the conditions of this Resolution of Intent (this "Resolution"), the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be reasonably acceptable to the Company and determined by ordinance of the Unified Government (the "Ordinance"); (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 6. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds and ad valorem tax abatement; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 7. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be reasonably acceptable to the Unified Government.

Section 8. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a lease agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Trust Indenture to be entered into between the Unified Government and the trustee for the Bonds (the "Indenture"). The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 9. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 10. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 11. Termination of Resolution. This Resolution shall terminate upon termination of the Performance Agreement. Additionally, this Resolution shall terminate upon eighteen (18) months 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 Unified Government for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 12. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company or as otherwise set forth in the Performance Agreement, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 13. Further Action. Counsel to the Unified Government, and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, 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 Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 14. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON JULY 25, 2024.**

(SEAL)

By: _____
Tyrone A. Garner, Mayor/CEO

ATTEST:

By: _____
Monica L. Sparks,
Interim Unified Government Clerk

APPROVED AS TO FORM:

By: _____
Office of Chief Counsel

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Below is an approximate payment in lieu of tax (PILOT) schedule based on a facility square footage of 75,000, which may be adjusted as set forth in the Performance Agreement. Local, Minority, and Women Business Enterprise (L/M/W) goals will be further specified in the Performance Agreement or other separate agreement. PILOT payments do not include the school district's capital outlay levy that cannot be abated under Kansas law.

Facility Square Footage	75,000
--------------------------------	--------

Year^(a)	Annual PILOT^(b)	Annual PILOT if L/M/WBE Failure^(b)
1	\$19,367	\$29,050
2	19,754	29,631
3	50,373	60,447
4	51,380	61,656
5	104,816	115,297
6	106,912	117,603
7	163,576	174,481
8	166,847	177,970
9	192,875	204,221
10	196,733	208,305

Business Category	Participation Percentage Goal Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

^(a) Year 1 refers to calendar year beginning January 1 after issuance of Bonds.

^(b) Does not include school district capital outlay levy.

PERFORMANCE AGREEMENT

Dated as of July 25, 2024

BETWEEN THE

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

AND

MIES REAL ESTATE 6036 SPEAKER ROAD LLC

Prepared By:

**Gilmore & Bell, P.C.
Kansas City, Missouri**

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT, dated as of July 25, 2024 (this “**Agreement**”), between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**, a municipal corporation organized and existing under the laws of the State of Kansas (the “**Issuer**”), and **MIES REAL ESTATE 6036 SPEAKER ROAD LLC**, a Kansas limited liability company, or assigns (the “**Company**”);

WITNESSETH:

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “**Act**”), to acquire, construct and improve certain facilities for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for said projects, and to issue revenue bonds for the purpose of paying the cost of any such facilities;

WHEREAS, pursuant to such authorization, the governing body of the Issuer has adopted a Resolution (the “**Resolution**”) indicating the Issuer’s intent to issue one or more series of taxable industrial revenue bonds in the principal amount of not to exceed \$17,450,000 (the “**Bonds**”), for the purpose of acquiring, constructing, improving, installing, furnishing and equipping the Project and authorizing the Issuer to enter into this Agreement;

WHEREAS, the Issuer is authorized and empowered under the Act and K.S.A. 79-201a, as amended (the “**Abatement Statute**”) to exempt from ad valorem taxation all or any portion of the Project financed with the proceeds of the Bonds, subject to the limitations set forth in the Abatement Statute and this Agreement; and

WHEREAS, pursuant to the foregoing, the Issuer desires to enter into this Agreement with the Company in consideration of the Company’s desire to acquire, construct, improve, install, furnish and equip the Project as more fully described in the hereinafter defined Application upon the terms and conditions hereinafter set forth and in the Lease Agreement to be entered into between the Issuer and the Company relating to the Project (the “**Lease Agreement**”).

NOW, THEREFORE, in consideration of the premises and the mutual representations, covenants and agreements herein contained, the Issuer and the Company hereby represent, covenant and agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions of Words and Terms. The following words and terms as used herein shall have the following meanings:

“**Abatement Statute**” means K.S.A. 79-201a, as amended.

“**Ad valorem taxes**” or “**ad valorem taxation**” means all property taxes imposed on real or personal property (including fixtures) and eligible for exemption pursuant to the Abatement Statute.

“Agreement” means this Performance Agreement between the Issuer and the Company, as from time to time amended and supplemented in accordance with the provisions hereof.

“Application” means the Application for Issuance of Industrial Revenue Bonds filed with the Issuer by the Company in connection with the request for the issuance of the Bonds, a copy of which is attached hereto as **Exhibit A**.

“Board of Tax Appeals” means the State of Kansas Board of Tax Appeals.

“Bond Financed Portion of the Project” means that portion of the Project financed in whole from the proceeds of the Bonds as evidenced by the requisitions submitted by the Company to the bond trustee in accordance with **Section 2.7** hereof.

“Bonds” means the Issuer’s taxable industrial revenue bonds issued in relation to the Project in the maximum aggregate principal amount of \$17,450,000.

“Company” means Mies Real Estate 6036 Speaker Road LLC, a Kansas limited liability company, and its successors and assigns.

“Event of Default” means any Event of Default as described in **Section 5.1** hereof.

“Exempt Period” means the ten (10) calendar years beginning on the January 1 following the issuance of the Bonds.

“Exempt Property” means all Property that is exempt from taxation pursuant to K.S.A. 79-201(a) *Second* and/or *Twenty-Fourth* by reason that such property was constructed or purchased with the proceeds of the Bonds authorized by and in accordance with the Abatement Statute.

“Force Majeure” means acts of God, strikes, lockouts, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate government authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the Issuer to timely approve the plans or construction documents relating to the Project, war, terrorism, pandemic or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement.

“Future Facility Additions” means any additions, improvements or renovations to or equipping of the Bond Financed Portion of the Project following the receipt of a final certificate of occupancy for the final building comprising the Project. As used herein, **“Future Facility Additions”** shall never include any future additions, improvements or renovations to or equipping of the Project that are exempt from ad valorem taxes.

“Issuer” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“Property” means all real and personal property subject to taxation pursuant to K.S.A. 79-101.

“Project” means acquiring, purchasing, constructing, installing and equipping an approximately 75,000 square foot industrial facility, as further described in **Section 3.3**, including land, buildings, structures, improvements and fixtures, machinery, and equipment, all that will be generally located at 6036 Speaker Road in the City of Kansas City, Kansas.

“Project Costs” means all costs and expenses of every nature paid from proceeds of the Bonds and relating to the acquisition, construction, improvement, installation, furnishing and equipping of the Project.

“Project Site” means all of the real property described in **Exhibit B** attached hereto and by this reference made a part hereof.

“Tax Payment” means a payment-in-lieu of taxes to be paid by the Company in the amounts set forth in **Section 2.3** and **Exhibit C** hereof.

ARTICLE II

EXEMPTION; PAYMENTS IN LIEU OF TAX

Section 2.1. Exempt Property. During the Exempt Period, and so long as the Bonds are outstanding and the Company remains in compliance with this Agreement, the Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be and remain Exempt Property.

Section 2.2 Agreement to Make Tax Payments. The Company covenants and agrees that, for each calendar year during the Exempt Period that the Bond Financed Portion of the Project is Exempt Property, the Company will make a Tax Payment in lieu of ad valorem taxes to the County Treasurer. For each such calendar year, 50% of the Tax Payment with respect to such calendar year shall be due and payable on or before the date that the first installment of ad valorem taxes for real property are due (and in any event, not later than December 20th), and the balance of such Tax Payment with respect to such calendar year shall be due and payable on or before the date that the second installment of ad valorem taxes for real property are due (and in any event, not later than May 10th of the immediately succeeding calendar year).

Section 2.3. Amount of Tax Payment. The Tax Payments shall be in the amounts shown in **Exhibit C**. The parties acknowledge that such Tax Payments do not include special assessments, if any, and the school district’s capital outlay levy that cannot be abated under Kansas law and that the Tax Payments are subject to adjustment as set forth in **Exhibit C**.

Section 2.4. Term of Agreement. This Agreement shall become effective upon execution, and subject to earlier termination pursuant to the provisions of this Agreement (including particularly **Article V** hereof), shall terminate upon the later of (i) the expiration of the Exempt Period or (ii) the date of the final Tax Payment.

Section 2.5. No Abatement of Special Assessments and Certain Property Taxes. The Issuer and the Company hereby agree that the Abatement Statute and any tax abatement with respect to the Project shall not apply to special assessments and property taxes that cannot be abated under Kansas law. In the event special assessments are ever abated, the Company hereby agrees that 100% of the amount of such abated special assessments shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement.

Section 2.6. Obligation of Issuer to Effect Tax Abatement. The Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be Exempt Property during the Exempt Period and agrees to make filings required by the Wyandotte County Board of Commissioners or the Board of Tax Appeals; provided, however, the Issuer shall not be liable for any failure of the Board of Tax Appeals to effect the exemption permitted by the Abatement Statute. The Issuer covenants that it will not knowingly take any action that the Issuer has knowledge may cause the Bond Financed Portion of the Project to no longer be

Exempt Property. In the event the Bond Financed Portion of the Project is determined to no longer be Exempt Property, the Issuer shall, at the Company's request, cooperate with the Company in all reasonable ways to cause the Bond Financed Portion of the Project to be Exempt Property, including cooperating with the Company in any related litigation. The Company agrees to pay to the Issuer the costs that the Issuer incurs (including legal fees and expenses) in cooperating with the Company in the manner required by this Section.

Section 2.7. Compliance. Within ten (10) business days following the request of the Issuer, the Company shall provide the Issuer with (i) copies of the requisitions submitted by the Company to the bond trustee in accordance with the Lease Agreement for the preceding calendar year, (ii) a list containing a brief description and the amount of all costs of the Bond Financed Portion of the Project, and (iii) the total costs of the Project, all in such reasonable detail as the Issuer shall request.

Section 2.8. Value of the Project Not Determined by Bonds. The Issuer and the Company acknowledge that it is not the intent of the parties that the principal amount of the Bonds be used for the purpose of determining the appraised value of the Project or any portion thereof for tax purposes.

Section 2.9. Classification; Limitation on Company's Right To Protest. If the Project Site is not currently classified as commercial, the Company acknowledges that the county appraiser may reclassify the Project Site to commercial as a result of the issuance of the Bonds. During the term of this Agreement, the Company agrees that it will not, without the written consent of the Issuer, (i) seek to change the classification of all or any portion of the Project Site from commercial to another classification, or (ii) contest the reclassification of all or any portion of the Project Site to commercial.

Except as set forth in the preceding paragraph, nothing in this Agreement shall be construed to limit or in any way restrict the ability of the Company to utilize any provision of Kansas law to appeal, protest or otherwise contest any property tax valuation, assessment or similar action with respect to the Project Site or any portion thereof.

Section 2.10. Credits for Tax Payments; No Duplicate Tax Liability. Nothing in this Agreement shall be construed to require the Company to make duplicate tax payments. The Company shall receive as a credit against its obligations to pay the Tax Payments, the amount of any ad valorem taxes (other than special assessments and property taxes that cannot be abated under Kansas law) paid by the Company to the County to the extent that the amounts paid to the County include any taxes due with respect to the Exempt Property.

Section 2.11. No Abatement on Appraised Value of Future Facility Additions. In the event any Future Facility Additions are determined to be Exempt Property as a result of the issuance of the Bonds, this Agreement or for any other reason, so long as this Agreement remains in effect, the Company hereby agrees that 100% of the amount of such abated ad valorem taxes attributable to the Future Facility Additions shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement. This provision shall not be construed as restricting the Company from applying to the Issuer or to any other governmental entity for any future tax abatement in connection with the Future Facility Additions.

Section 2.12. Tax Abatement Order; Adjustment of Tax Payment. The Issuer and the Company acknowledge that, prior to the Bond Financed Portion of the Project being determined to be Exempt Property, an order from the Board of Tax Appeals approving tax abatement on the Bond Financed Portion of the Project for the Exempt Period must be obtained. In the event the Board of Tax Appeals issues an order stating that less than 100% of the Bond Financed Portion of the Project is Exempt Property, the parties agree that the Tax Payment shall be decreased by an amount necessary to result in the sum of the new Tax Payment plus the

payment of ad valorem taxes by the Company with respect to the Bond Financed Portion of the Project is equal to the original Tax Payment. In the event the Board of Tax Appeals issues an order stating that none of the Bond Financed Portion of the Project is Exempt Property, then the Tax Payment shall be reduced to \$0.

Notwithstanding the foregoing, if (i) the entire Bond Financed Portion of the Project is not determined to be Exempt Property, or (ii) the Board of Tax Appeals issues an order that less than 100% of the Bond Financed Portion of the Project is Exempt Property, and such determination or order is a result of the Company's failure to comply with the terms and provisions of this Agreement (after any applicable notice and cure period), the Issuer shall be under no obligation to decrease the Tax Payment as provided in this Section. Furthermore, in no event shall the Issuer be under any obligation to make any payment to the Company as a result of the Board of Tax Appeals determining that less than 100% of the Bond Financed Portion of the Project is Exempt Property. Notwithstanding any provisions herein to the contrary, in no event shall the Company be liable for the payment of any amounts, including the Tax Payments, which are in the aggregate greater than the amount of ad valorem taxes on the Project in the event there is no abatement of the same.

Section 2.13. Determination of Appraised Value and Assessments. The Company acknowledges that the county appraiser independently determines the appraised value of Property. The Company further acknowledges that the Issuer does not have input in or in any way control the determination of the appraised value of Property or the assessment of Property, and that the Issuer cannot and is not attempting to bind the county appraiser or any other governmental authority with respect to a determination of the appraised value of the Bond Financed Portion of the Project.

ARTICLE III

COVENANTS OF THE COMPANY

Section 3.1. Construction. The Project will be constructed, equipped, and operated (or caused to be operated) in a manner that is consistent with the description of the Project herein. In the event the Project is constructed, equipped, or operated in a manner that the Issuer determines, in its reasonable discretion, is materially inconsistent with the description of the Project herein, the Issuer reserves the right to declare an Event of Default in accordance with **Section 5.1** hereof.

Section 3.2. Completion Date. Subject only to Force Majeure, the Company agrees to commence construction on or before December 31, 2024, and substantially complete construction of the Project on or before December 31, 2025. "Commence construction" shall mean that the Company has entered into a contract with a licensed contractor for the construction of the Project and the Issuer has issued a building permit therefor. "Substantially complete," for purposes of this Section, shall mean that the Project can be occupied or utilized for its intended purpose as an industrial facility, as evidenced by receipt by the Company of a temporary certificate of occupancy for the Project. The parties agree that the governing body of the Issuer will consider an ordinance authorizing the issuance of the Bonds on or about such time, but in no event will the Bonds be issued later than December 31, 2025.

Section 3.3. Development of Project. The Company covenants that the Project, including all buildings, parking facilities, and other improvements constituting the Project, shall be developed, constructed, completed, and operated (or caused to be operated) on the Project Site in substantial accordance and compliance with the terms and conditions of this Agreement and the final site plan approval from the Issuer's Planning Commission, and this Agreement shall not be construed to waive such Planning Commission's discretion in approving or disapproving the same. On and subject to the terms and provisions set forth in this Agreement, Company shall have the sole right to, and shall be responsible for, design, construction, equipment and completion of the Project, and shall operate (or cause to be operated) and use the Project in the manner described herein. The parties further agree as follows:

(a) The Project shall be designed, developed, and constructed as an approximately 75,000 square foot industrial and industrial facility as generally depicted in **Exhibit E** attached hereto, though the parties acknowledge the depiction in **Exhibit E** is subject to modification pursuant to the Issuer's planning process.

(b) Company stipulates and agrees that its signage shall be subject to all applicable laws and requirements of the Issuer and any special use permits granted by the Issuer's governing body.

(c) The Project shall include parking improvements containing at least the number of spaces required by the Issuer's applicable laws and requirements.

(d) The Company's plans for landscaping on the Project Site shall be considered in accordance with all applicable laws and requirements of the Issuer and the Issuer's approval thereof will not be unreasonably withheld.

Section 3.4. Maintenance and Use. The Company shall cause the Project and the Project Site to be maintained, preserved and kept in good repair and working order and in a safe condition, consistent at all times with other industrial and manufacturing space in the greater metropolitan Kansas City area, and will make all repairs, renewals, replacements and improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Project Site. Company specifically understands and agrees that the Issuer shall not undertake or have any obligation under this Agreement for snow or ice removal on sidewalks located at or adjacent to the Project.

Section 3.5. Inspection. The Company agrees that the Issuer and its duly authorized agents shall have the right at reasonable times (during business hours), subject to at least 48 hours advance notice and to the Company's usual business proprietary, safety and security requirements, to enter upon the Project Site to examine and inspect the Project and the records of the Company which demonstrate compliance with this Agreement, including, but not limited to, inspections necessary to confirm compliance with **Section 3.3.**

Section 3.6. Compliance with Laws. The Project will comply in all material respects with all applicable building and zoning, health, environmental and safety ordinances and regulations and all other applicable laws, rules and regulations.

Section 3.7. Employment Certification. Beginning on March 1 in the calendar year following the issuance of Bonds, and on each March 1 thereafter and at any other time that the Issuer may request, for the term of this Agreement, the Company shall provide a written certification to the Issuer stating the total number of full-time employees employed at the Project.

Section 3.8. Payment of Fees and Reimbursement or Payment of Costs.

(a) The Company agrees to pay to the Issuer the standard fees charged by the Issuer in connection with tax abatement projects and the issuance of industrial revenue bonds. These fees include, but are not limited to, an initial application fee (which the Issuer agrees has been paid in full), a service fee that is due at the time of issuance of the Bonds and an annual administrative fee in an amount not to exceed \$1,000. The Company acknowledges receipt of a fee schedule from the Issuer and acknowledges that the fee schedule may be adjusted or amended by the Issuer at any time upon notice to the Company.

(b) The Company agrees to promptly reimburse the Issuer, within ten (10) business days following receipt by the Company of an invoice from the Issuer and reasonable supporting documentation, for any reasonable amounts that the Issuer pays to any other party as a result of the Issuer pursuing, obtaining or maintaining the tax abatement granted to the Company pursuant to this Agreement. These costs shall include, but shall not be limited to, all fees and expenses for filings with the Board of Tax Appeals (including the application fee and annual administration fee), legal notice publication expenses, and the costs and expenses of the Issuer's legal counsel. The Company agrees that the Issuer may, in lieu of seeking reimbursement from the Company, forward any invoice received by the Issuer to the Company, which invoice is for a cost which the Issuer could seek reimbursement from the Company pursuant to this paragraph, and the Company agrees to promptly pay such invoice and to promptly provide the Issuer with evidence of such payment.

Section 3.9. Abatement of Property. The Abatement Statute provides that, with certain exceptions, any property constructed or purchased in part with the proceeds of revenue bonds issued under the authority of the Act is exempt from taxation for a period of up to ten years to the extent of the value of that portion of the property financed by the revenue bonds. The tax abatement commences in the year following the year in which the Bonds are issued.

Company understands that property will be exempt under the Abatement Statute only if such property is purchased or reimbursed with the proceeds of the Bonds. In order to be purchased or reimbursed with Bond proceeds, the trustee for the Bonds must receive a requisition request from the Company and must make a draw on the Bonds and use the money to either (a) pay, or (b) reimburse the Company for the cost of the property, which the parties acknowledge and agree may be documented via book entry.

The Abatement Statute also provides that if property purchased with proceeds of the Bonds is used in any retail enterprise identified under the NAICS sectors 44 and 45 ("**Prohibited NAICS**"), the property will not be exempt from taxation, unless the property is a facility used exclusively to house the headquarters or back office operations of a prohibited retail enterprise.

The Abatement Statute further provides that property purchased with bond proceeds is not exempt from taxation if the property is (i) a swine production facility (as described in K.S.A. 12-1749b), (ii) property located in a redevelopment project area established under the authority of K.S.A. 12-1770 or (iii) a poultry or rabbit confinement facility (as described in K.S.A. 17-5903).

Company hereby represents that the NAICS code for the Project is not included within the list of Prohibited NAICS and agrees that during the term of the tax abatement, the property purchased with the proceeds of the Bonds will not be used in any of the Prohibited NAICS. Company understands that if any property purchased with the proceeds of the Bonds is used in a Prohibited NAICS, that property will not be subject to property tax abatement under Kansas law.

Company represents that the Project is not, and will not become, a swine production facility, a poultry or rabbit confinement facility or inventory, and that the Project is not located in a redevelopment project area as defined in K.S.A. 12-1770 *et seq.*

Section 3.10. Solid Waste Services. Until termination of this Agreement, the Company agrees that it and all of its tenants, subtenants, operators and licensees shall exclusively use the solid waste services of the Unified Government for the Project. This requirement shall not apply to the Company or any user if the Company or user demonstrates that solid waste services provided by the Issuer are inadequate to serve such user's reasonable needs.

Section 3.11. LBE/MBE/WBE Employment Opportunity Goals. The Company agrees to comply with the goals set forth on **Exhibit D** in order to identify and provide employment opportunities for local businesses and contractors, women and local minority owned businesses. The Company hereby understands and agrees that if it shall fail to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** for the Construction (as those terms are defined therein) of the Project, then the Tax Payments shall be increased as set forth in **Exhibit C**. The parties agree that failure to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** shall not cause an Event of Default hereunder, and the Issuer's sole remedy will be increasing the amount of Tax Payments as set forth in **Exhibit C**.

ARTICLE IV

SALE AND ASSIGNMENT

Except as otherwise provided herein, the Company will not, without the prior written consent of the Issuer, (a) assign, sell, lease, or otherwise transfer the Project Site, the Project, or equipment that comprises the Project or any part thereof or any interest therein; (b) merge with or into another corporation or sell or transfer to another corporation substantially all of its assets; or (c) assign this Agreement. The Issuer shall have the right to grant or withhold its consent to any of the aforesaid in its reasonable discretion after inquiry and delivery of information to the Issuer as to whether the proposed assignee has sufficient financial wherewithal and experience to successfully complete and/or operate the Project according to the terms hereof. If an assignment is approved by the Issuer, the assignee shall assume and agree to pay and perform each and all of terms and provisions hereof. Notwithstanding the foregoing, the parties hereby agree that the Company may do any of the following without written consent of the Issuer:

(a) The Company may grant a mortgage, leasehold mortgage, or other security on the Project to a lender in order to finance construction of the Project or refinance the Project, including, but not limited to, collateral assignment of all or any portion of its rights or obligations under this Agreement or any other documents entered into in connection with the Bonds.

(b) The Company may terminate this Agreement, and thereafter freely sell, assign, transfer or mortgage the Project.

(c) The Company, upon written notice to the Issuer, may freely sell, assign, lease or transfer all or any portion of the Project or Project Site, and/or its rights or obligations under this Agreement and any other documents entered into in connection with the Bonds (including, without limitation, the Resolution), to an entity managed by or under common control of or by the Company or one or more of its principals.

Upon the sale, assignment, or transfer of the Project as set forth herein, the Company (as assignor) shall be relieved of all further liability occurring on and after the effective date of such disposition, except as may be otherwise set forth in the Lease Agreement.

ARTICLE V

DEFAULT AND REMEDIES

Section 5.1. Events of Default. If any one or more of the following events shall occur and be continuing, it is hereby defined as and declared to be and to constitute an “Event of Default” hereunder:

- (a) the Company shall fail to perform any of its obligations hereunder;
- (b) the Company shall breach any covenant contained herein or any representation of the Company contained herein or in the Application shall prove to be materially false or erroneous; or
- (c) the Company shall be in default under the Lease Agreement.

Section 5.2. Remedies on Default. Upon the occurrence of an Event of Default hereunder, the Company shall be given 60 days (or such longer period as the Issuer and the Company may agree), following written notice by the Issuer to the Company of the occurrence of such Event of Default, to cure such Event of Default; provided that, if such Event of Default is of a nature that it cannot reasonably be cured within 60 days, then such occurrence will not constitute an Event of Default so long as Company: (a) commences to cure such failure within such 60-day period; and (b) diligently pursues such cure to completion. If such Event of Default is not cured within such time, this Agreement may be terminated by written notice to the Company from the Issuer. Such termination shall be effective immediately following delivery of such written notice. Upon the termination of this Agreement, the Company shall make a payment to the Issuer (or as the Issuer may otherwise direct) in an amount equal to the sum of (i) all due but unpaid Tax Payments attributed to prior calendar years, (ii) the pro rata total Tax Payments that would be due with respect to the current calendar year, (iii) the pro rata amount of any taxes that would be due for the remaining portion of the current calendar year assuming the Bond Financed Portion of the Project was not Exempt Property, and (iv) the amount of any costs and attorneys’ fees incurred by the Issuer as a result of such Event of Default and in enforcing this Agreement.

Section 5.3. Payments on Defaulted Amounts. Any amounts due hereunder which are not paid when due shall bear interest at the interest rate imposed by Kansas law on overdue ad valorem taxes from the date such payment was first due. In addition, amounts payable hereunder in lieu of ad valorem taxes that are not paid when due shall be subject to the same penalties imposed by Kansas law on overdue ad valorem taxes.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.1. Notice and Waiver of Company. The Issuer reserves the right to grant tax abatement for projects that are located adjacent to or in the proximity of the Project or for projects that are located elsewhere within the Issuer but are similar to the Project in amounts that are above or below the amounts set forth herein. The Company acknowledges and agrees that the Tax Payment, the Exempt Period

and the other terms of the tax abatement granted by the Issuer with respect to such other projects may be more favorable than the terms provided for in this Agreement. As a condition to the Issuer entering into this Agreement, the Company waives any claim it may have against the Issuer as a result of the Issuer granting tax abatement to other projects with terms that are more favorable than the terms provided for in this Agreement. Additionally, the Company agrees that it will not request that the Issuer modify this Agreement because the Issuer plans to grant or has granted tax abatement to another project or projects on terms that are more favorable than the terms provided for in this Agreement. Upon the occurrence of the Company's breach of its obligations set forth in this Section to waive any claim it may have against the Issuer as described above, following notice and opportunity to cure as set forth in **Section 5.2** above, the Issuer shall have the right to immediately terminate this Agreement and the associated tax abatement and require that the Company pay to the Issuer the amounts specified in **clauses (i) through (iv) of Section 5.2**.

Section 6.2. Severability. If for any reason any provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unenforceable, the validity and enforceability of the other provisions hereof shall not be affected thereby.

Section 6.3. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Kansas.

Section 6.4. Execution in Counterparts. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

Section 6.5. Waiver. The Issuer and the Company acknowledge and agree that the amounts payable hereunder shall constitute payments due the Issuer under the Lease Agreement. The Company shall not be entitled to any extension of payment of such amounts as a result of a filing by or against the Company in any bankruptcy court.

Section 6.6. Notices. All notices, certificates or other communications required or desired to be given hereunder shall be in writing and shall be given to or filed with the Issuer and the Company as set forth below:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 323
Kansas City, Kansas 66101
Telephone: 913-573-5260
Email: msparks@wycokck.org

with a copy to:

Acting Chief Counsel
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 961
Kansas City, Kansas 66101
Telephone: 913-573-5060
Email: alawson@wycokck.org

And a copy to:

Gilmore & Bell, P.C.
Kevin Wempe
2405 Grand Blvd., Suite 1100
Kansas City, Missouri 64108
Telephone: 816-221-1000
Email: kwempe@gilmorebell.com

and to the Company at:

Todd Fender
Mies Real Estate 6036 Speaker Road LLC
6036 Speaker Road
Kansas City, Kansas 66111
Telephone: (816) 743-7176
Email: todd@mieswholesale.com

with a copy to:

Husch Blackwell
Chris Kline
4801 Main Street, Suite 1000
Kansas City, Missouri 64112
Telephone: (816) 983-8285
Email: chris.kline@huschblackwell.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

Section 6.7. Further Assurances. The parties each agree to do, execute, acknowledge and deliver any and all other documents and instruments and to take all such further action as shall be reasonably necessary or reasonably required in order to fully carry out this Agreement and to fully consummate and effect the transactions contemplated hereby.

Section 6.8. Authority, etc. Each party to this Agreement represents and warrants to each other party as follows: (i) that such party has the requisite power and authority to enter into and perform this Agreement; (ii) that this Agreement has been duly authorized by all necessary action on the part of such party; (iii) that the execution and delivery and performance by each party of this Agreement will not conflict with or result in a violation of such party's organizational documents or any judgment, order or decree of any court or arbiter to which such party is bound; and (iv) that this Agreement constitutes the valid and binding obligation of such party, and is enforceable against such party in accordance with its terms, subject to applicable bankruptcy, insolvency, reorganization, creditor's rights and other similar laws.

Section 6.9. Electronic Storage and Transactions. The parties agree that the transactions described herein may be conducted and related documents may be stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents (or documents

executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers, all as of the date first above written.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

(SEAL)

By: _____
Tyrone Garner, Mayor/CEO

ATTEST:

By: _____
Monica Sparks,
Interim Unified Government Clerk

APPROVED AS TO FORM:

By: _____
Office of Chief Counsel

MIES REAL ESTATE 6036 SPEAKER ROAD LLC
a Kansas limited liability company

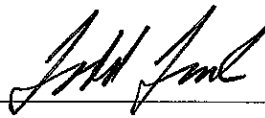
By: 
Name: TODD FENDER
Title: Chief Financial Officer

EXHIBIT A

APPLICATION FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS

EXHIBIT B

PROJECT SITE

This is a resurvey and replat of all that part of Lots 6, 7, and 8, HART INDUSTRIAL PARK, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, also known as TRACT 1A, as shown on the Administrative Land Division Survey recorded May 20, 2020 as Document No. 2020R-06633, and being more particularly described by Phelps Engineering, Inc., KS CLS-82, on April 23, 2024, for project 240184, as follows:

Beginning at the Southwest corner of Lot 6, of said HART INDUSTRIAL PARK; thence N 1°41'10" W, along the West line of said Lot 6, a distance of 526.94 feet, to the Northwest corner of said Lot 6; thence N 88°13'58" E, along the North line of Lots 6 and 7, of said HART INDUSTRIAL PARK, a distance of 593.43 feet, to the Northeast corner of said Lot 7; thence S 1°46'04" E, along the East line of said Lot 7, a distance of 63.24 feet; thence S 52°25'28" E, a distance of 230.90 feet; thence S 11°02'59" W, a distance of 334.25 feet, to a point on the Southerly line of Lot 8, of said HART INDUSTRIAL PARK; thence along the Southerly line of said Lots 6, 7 and 8, of said HART INDUSTRIAL PARK, for the following two (2) courses; thence Westerly on a curve to the left, said curve having an initial tangent bearing of N 8°17'06" W, a radius of 430.00 feet, and an arc distance of 86.17 feet; thence S 88°13'58" W, a distance of 613.00 feet, to the Point of Beginning, containing 371,431 square feet or 8.5269 acres, more or less, of replatted land.

[Balance of page intentionally left blank]

EXHIBIT C

TAX PAYMENT SCHEDULE

Tax Payments (or “PILOTs”) shall be as set forth below. Tax Payments shown below do not include the school district’s capital outlay levy that cannot be abated under Kansas law.

Facility Square Footage	75,000
--------------------------------	--------

Year^(a)	Annual PILOT^(b)	Annual PILOT if L/M/WBE Failure^(b)
1	\$19,367	\$29,050
2	19,754	29,631
3	50,373	60,447
4	51,380	61,656
5	104,816	115,297
6	106,912	117,603
7	163,576	174,481
8	166,847	177,970
9	192,875	204,221
10	196,733	208,305

Business Category	Participation Percentage Goal Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

^(a) Year 1 refers to calendar year beginning January 1 after issuance of Bonds.

^(b) Does not include school district capital outlay levy.

EXHIBIT D

LBE/MBE/WBE PARTICIPATION AGREEMENT

THIS LBE/MBE/WBE PARTICIPATION AGREEMENT (the “**Agreement**”), by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the “**UG**”) and Mies Real Estate 6036 Speaker Road LLC (the “**Developer**”), sets forth procedures and goals for the utilization of local business, minority and women enterprises in connection with the development of an approximately 75,000 square foot manufacturing development in Kansas City, Kansas (the “**Project**”), as defined below.

I. SCOPE

A. These procedures are applicable to the Construction (as defined below) of the Project, as further described in that certain Performance Agreement between the UG and Developer, dated July 25, 2024 (the “**Performance Agreement**”), whether performed by or on behalf of Developer, including, but not limited to, all aspects of Construction of the Project and related facilities including labor, materials and supplies, and construction related services whether undertaken by or on behalf of Developer, but not including Specialized Services.

II. DEFINITIONS

A. “**Construction**” means all aspects of the construction of the Project including labor, materials and supplies, and construction related services, whether performed or contracted for by or on behalf of Developer; provided, however, “Construction” shall not include: (i) Specialized Services; and (ii) Professional Services.

B. “**Contractor**” means the Proposer selected by the Developer for the Project.

C. “**Local Business Enterprise**” (or “**LBE**”) means a business headquartered or which maintains a Substantial Local Office that performs the significant functions of the business in Wyandotte County or a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of an individual residing in Wyandotte County. There is no formal certification process for LBE designation and it is determined and assigned based upon the criteria referenced in this definition and payment of all applicable Wyandotte County taxes and/or licensing fees.

D. “**Minority Business Enterprise**” (or “**MBE**”) means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of a person who is a member of an American ethnic minority group including African-American, Asian-Indian, Asian-Pacific, Hispanic and Native American.

E. “**Professional Services**” means advisory or consulting activities including, but not limited to, architectural, engineering, legal, accounting, financial, marketing, environmental studies, and financial services contracted for by or on behalf of Developer for the design, development and construction of the Project.

F. “**Project**” means the Construction of a new industrial facility and as legally described in Exhibit 1 to this Agreement.

G. “Proposer” means a construction firm that submits a proposal in response to a solicitation for proposals issued by Developer with respect to the Construction of the Project or with respect to the annual operations of the Project.

G. “Specialized Services” means expertise, services, or products that are only available through sole source providers or national vendors or are unique to the business of the Project.

H. “Substantial Local Office” means an office operated and financially supported by a firm that has sufficient space, staff and equipment to carry on the local business of the firm and that is engaged in significant, on-going local involvement with the business community in Wyandotte County, KS. The term “Substantial Local Office” shall specifically exclude any office that has been established for the sole purpose of participating in a specific Project.

I. “Women Business Enterprise” (or “WBE”) means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of one or more women who are U.S. citizens or legal resident aliens.

III. GOALS FOR LBE/MBE/WBE PARTICIPATION.

Developer and its Contractor will use Best Efforts to meet the LBE/MBE/WBE participation percentage goals listed in the below chart based upon the total cost of the Construction of the Project. In no event shall Developer be required to incur higher costs as a result of its commitment to attempt to meet such goals. These goals are based upon a disparity study performed for the Kansas City Metropolitan Area for LBE, MBE, and WBE participation. These goals are not quotas or set asides.

Business Category	Participation Percentage Goal – Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

It is the intent of the UG to give preference to the utilization of LBEs so long as all other factors relating to the award of an individual contract are equal. If the factors relating to an award of an individual contract are equal, the Developer shall give preference to the utilization of LBEs over the utilization of MBEs and WBEs.

IV. ELIGIBILITY FOR CREDIT

A. Only LBE businesses that are qualified and/or MBE or WBE businesses that are certified or undergoing certification by the Kansas Department of Commerce, the City of Kansas City, Missouri, the State of Missouri, the Missouri Department of Transportation, the MidAmerica Minority Business Development Council, and/or the Women’s Business Enterprise National Council or any other applicable or appropriate public or private entity or other entity mutually acceptable to the UG and the Developer (each, an “approved” business) may be counted towards the participation goals in Section III above.

B. In the event that a contract has been awarded on the Project to an approved LBE, MBE, or WBE business, and such LBE, MBE or WBE business later becomes unapproved prior to the completion and acceptance of all the work to be provided under such contract, then Developer shall receive credit towards the goal for only that portion of work performed or services provided up to the point such business becomes unapproved.

V. CONSTRUCTION UTILIZATION

A. The goals set forth in Section III may be met by the expenditure of dollars with approved LBE, MBE and/or WBE businesses, contractors, labor suppliers, regular dealers, manufacturers, material suppliers, subcontractors, software vendors, consultants, other Construction-related products, suppliers, and/or services, or through joint ventures with approved LBEs, MBEs or WBEs. The participation of certified LBE, MBE and/or WBE Proposers may count toward a goal for which they qualify.

B. A joint venture involving an approved LBE, MBE, and/or WBE as a partner may be counted towards the applicable goal only to the extent of the dollar amount for which the approved LBE, MBE, and/or WBE is responsible; provided that if the LBE, MBE, and/or WBE is the majority partner in such joint venture, then the entire joint venture contract amount shall be counted, less any work subcontracted to the non LBE, MBE, and/or WBE joint venture partner. To receive credit, the approved LBE, MBE, and/or WBE must be responsible for a clearly defined portion of the work, profits, risks, assets, and liabilities of the joint venture.

C. Participation by a certified MBE owned by a minority woman may be counted as MBE participation or as WBE participation; however, this participation cannot be counted both for MBE and WBE participation. However, a certified MBE or WBE that also qualifies as an LBE may also be counted towards the LBE goal. For additional clarification purposes, a qualified LBE, which also certified as an MBE or WBE, shall be counted toward both the LBE and the MBE or WBE goals in the Developer's sole discretion.

D. The LBE, MBE, or WBE must be responsible for the execution of a distinct element of the work by actually performing, managing, or supervising its function in the work identified in the agreement with such LBE, MBE or WBE. Brokering is not credited.

VI. CONTRACT AWARD COMPLIANCE PROCEDURES

A. Solicitation Documents. The solicitation documents, for each contract for which goals are established, shall contain a description of the requirements set forth in this Agreement and the LBE, MBE, and WBE goals. Upon request by the UG, Developer shall submit the solicitation documents and the bid list to the UG.

B. Subcontractor Relations – Documentation of Subcontracting Agreements. All subcontracting services for LBE, MBE and/or WBE businesses shall be evidenced by an agreement which shall include the scope of work to be performed and the amount to be paid for performance of the work. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

C. Best Efforts. For each LBE/MBE/WBE participation percentage goal that is not achieved, Developer shall be deemed to have used “**Best Efforts**” to meet such goal(s) if Developer shall have taken substantially all of the following actions:

- i. Developer is seeking or has sought timely assistance of the UG to identify qualified LBEs, MBEs, and WBEs;
- ii. Developer is advertising or has advertised contract opportunities in local, minority, and women media;
- iii. Developer is providing or has provided reasonable written notice of opportunities and/or informational meetings to approved LBEs, MBEs, and WBEs;

- iv. Developer is following up or has followed up initial solicitations of interest by contacting LBEs, MBEs, and WBEs;
- v. Developer is segmenting or has segmented portions of the work to increase the likelihood of LBE, MBE, and WBE participation, where feasible;
- vi. Developer is or has provided interested LBEs, MBEs, and WBEs with timely and accurate information about the plans, specifications, requirements, deadlines, and bidding procedures of the contracts;
- vii. Developer is negotiating or has negotiated in good faith with interested LBEs, MBEs, and WBEs, not rejecting them as unqualified without sound reasons, based on a thorough review of their capabilities and prior work history;
- viii. Developer is seeking or has sought to educate and assist LBEs, MBEs, and WBEs in obtaining bonding, lines of credit or insurance required to perform the contract; and
- ix. Developer is working or has worked with local, minority, and women contracting, professional, civic, and community organizations, government officers and any other organization or persons, as identified by the UG, that provide assistance in the recruitment of LBEs, MBEs, and WBEs.

Failure by Developer to take all of the foregoing actions shall not be determinative that Developer has not used its Best Efforts. The parties acknowledge that all of the foregoing actions may not apply to every scope of the Project.

VII. UG'S ASSISTANCE TO PROJECT

The UG shall use its best efforts to provide assistance to Developer and its agents so that Developer may fulfill its participation goals as set forth in this Agreement. The Developer assumes all responsibility for using Best Efforts to meet the goals and complying with the procedures and processes set forth herein. Examples of such assistance by the UG include but are not limited to:

- A.** providing information and technical assistance regarding this Project to the Developer and its agents including the Contractor and any other contractors, subcontractors, LBEs, MBEs, WBEs, officials and other interested persons;
- B.** developing and maintaining a registry of approved LBE, MBE and WBE businesses;
- C.** assisting with identifying potential LBEs, MBEs, and WBEs and reviewing their qualifications to participate in the Project;
- D.** updating the Developer and its agents on current or proposed affirmative action legislation enacted by the UG that may affect the Project;
- E.** frequently reviewing Developer and the Contractor and any other contractor or subcontractor performance and LBE, MBE, and/or WBE participation on the Project;
- F.** providing advice relative to utilization and compliance matters;

- G. conducting compliance reviews and audits of LBE, MBE, and WBE and participation;
- H. assisting the Developer and its agents in addressing issues related to the goals and procedures set forth in this Agreement;
- I. reviewing complaints from LBEs, MBEs, WBEs, and any other interested persons regarding these goals and procedures with Developer and its agents; and
- J. assisting in the Developer's development of forms to document compliance with these procedures.

VIII. DEVELOPER COMPLIANCE; RECORDS AND REPORTS.

A. Records. Developer shall maintain those records as may reasonably be required to demonstrate compliance (and/or its Best Efforts to comply) with the goals and procedures set forth in this Agreement. These records shall be made available to the UG at Developer's offices during business hours and upon reasonable advance notice.

B. Construction Utilization Plan Reports. Developer shall provide the UG with information sufficient to document the participation under this Agreement, which may include periodically providing the Construction Utilization Plan as set forth on Exhibit 2. Such information may include for each LBE, MBE, or WBE whose participation is utilized by Developer to be applied to the goals set forth herein: business name and address of each LBE, MBE, and/or WBE; and a brief description of the work to be performed by each such LBE, MBE and/or WBE.

C. Remedies. If, after review of the Developer's construction and related reports by the Unified Government Contract Compliance Department, the UG determines that the participation goals contained in this Agreement for the Construction of the Project have not been met, and that the Best Efforts described herein have not been met, then the UG shall have, as its sole and exclusive remedies: such remedy as set forth in Section 3.11 of the Performance Agreement; and (ii) UG shall also have the right to renegotiate LBE, MBE, and WBE goals for future construction projects undertaken by the Company in the UG.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____
David Johnston, County Administrator

Date: _____

MIES REAL ESTATE 6036 SPEAKER ROAD LLC

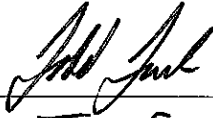
By: 
Name: TODD FENDER
Title: Chief financial Officer
Date: 7/2/2024

EXHIBIT 1
Legal Description – Link

EXHIBIT 2
Construction Utilization Plan

EXHIBIT E



**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**



APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS
(A non-refundable application fee of \$1,000 must accompany this application
when filed with the Unified Clerk's Office)

The undersigned hereby agrees that the submission of this Application to the Unified Government, and the Unified Government's adoption of a Resolution indicating an intent to issue the Bonds to provide funds for the Project will not give rise to an obligation by the Unified Government to fund such Project in the amount requested or in any amount. The undersigned further understands and agrees that there is no assurance that Bonds will be issued by the Unified Government or that Bond proceeds will be sufficient to fund the Project as hereby requested.

5/1/2024

Date of Application

Mies Real Estate Holdings LLC - Holding Company

Mies Wholesale Meats Inc. - Operating Entity

Applicant (Firm Name or Name of Individual)

Telephone Number 816-743-7176
Fax Number _____
E-mail Address todd@mieswholesale.com

6036 Speaker Road, Kansas City KS 66111

Address

Todd Fender

Name of Responsible Officer

CFO

Title

1330 Jasper Street, North Kansas City, MO 64116

Address

Husch Blackwell - Will Nulton

Attorney for Applicant

Telephone Number 816-983-8372
Fax Number _____
E-mail Address _____

Address

Underwriter or Purchaser of Bonds (If known)

Telephone Number _____
Fax Number _____
E-mail Address _____

Address

Amount of Bonds
Requested:

\$ 17,450,000.00

Nature of
Project:

☒
☐
☐
☐
☐

Industrial
Commercial
Agricultural
Pollution Control
Other (please specify) _____

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

I. Corporate or Business Entity Information

A. In what line or lines of business is the applicant engaged?

The business is a full-service distributor of fresh and frozen beef, pork, poultry, lamb and veal, along with a wide variety of food service products.

B. Is the Applicant a proprietorship, partnership, limited liability company or corporation?
S-Corporation

C. Year and state of incorporation or formation of business entity?
1975 KS

If proprietorship, partnership, limited liability company or closed corporation, list the names and owners and the approximate amounts owned by each of its principal stockholders:

Mark E Mies and Gail L Mies Intervivos Trust UTA DTD 1/15/15	42.86%
--	--------

Paul G Mies Intervivos Trust UTA DTD 10/12/93	42.86%
---	--------

Hamm Family Trust	14.28%
-------------------	--------

D. If applicant is subsidiary of another business entity, state name and address of parent:

E. List the name and titles of the principal officers of the applicant firm:

Mark Mies - Retired

Paul Mies - President

Ryan Hamm - Vice President

F. List the name of the certified public accounting firm (or firms) which has performed audits of the applicant firm (or its parent books and records for the past five years:

No audits have been performed within the last (5) years.

If the applicant corporation or its parent is a publicly held corporation and regularly files annual and quarterly reports on Form 10-K and Form 10-Q, respectively, attach as a part of this application, copies of the most recent Form 10-K and Form 10-Q, the applicant's most recent report to shareholders, as well as any reports on Form 8-K filed within the past fiscal year.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

II. The Project

A. Type of project (check one)

- ☒ New business
☐ Establishment of branch plant/business
☐ Acquisition of existing business
☐ Expansion of existing business

B. Briefly describe the nature of the proposed project, including detailed information as to the structure itself (size of building, amount of land to be purchased, etc.), and what products or services are to be manufactured or provided:

Mies Wholesale is looking at purchasing approximately 9 acres of land and building a 75,000 sq foot building, with construction starting in summer 2024. The new facility will serve as the new location for all services that are currently operating at their Kansas City, Missouri facility. These services will include, but aren't limited to, distribution and warehousing of fresh & frozen food products. The project will also include the addition of 15 new employees within a 3-year period and new equipment purchases during that same time period to support the growing operations.

C. Will the facility engage in direct retail sales? If so, are any of the retail sales catalog or on-line sales, and if so, how much:

No, there will be no direct retail sales. They do allow employee purchases, but that would be the extent. There are no online sales either.

D. What is the street address or location of the proposed project?

6036 Speaker Road, Kansas City KS 66111

E. Legal description of the property (attach separate sheet if necessary):

HART INDUSTRIAL PARK, S14, T11, R24, ACRES 8.53, PTS L6 TO L8: LOT SPLIT: TRACT 1A

F. Appraised value of property to be acquired from County Appraiser:

Real Estate	\$	637,890
Improvements	\$	
Equipment	\$	

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

G. Will the applicant be in direct competition with other local firm(s)? If so, name the firm(s):

The main local competitors are Sysco, US Foods, Performance Food Group, Associated Grocers, Harvest, Ben E Keith, Evco, Amigos, Queen Foods, Specialty Foods and Cargill.

Describe the nature of the competition:

The nature of the competition is in regards to similar customers and the offering of a similar line of business. Mies is striving to expand its operations and expects that their growth will be through differentiation of services and quality of the services provided.

H. Does the applicant have a single or a multiple plant business or operation?

Single plant operation

I. Does the applicant or its parent presently have facilities located in Kansas City, Kansas and/or Wyandotte County? If so, describe and provide location:
No, current facility is located in Kansas City, MO.

J. Will the Kansas City Kansas/Wyandotte County facility be the main operation of the applicant? If not, where is the main operation located?

Yes, all operations at the Kansas City, MO facility will be consolidated to the new facility in Kansas City, KS upon building completion.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

G. What were applicant's total assets at all locations at the end of the last fiscal year?
\$2,786,817 not including building

H. Is the prospective location properly zoned?
Yes, properly zoned

If a zoning change is pending, cite application number and present status. If application has not been made, briefly describe what change will be needed and plans for submitting application:
N/A

I. Is there likelihood for expansion of the proposed facility within 3 years?

Additional expansion isn't expected within 3 years

Is such expansion contemplated in this application for the resolution of intent?
N/A

J. What is the estimated date for operations to begin at the project?
Q2 2025

IV. The Financing

A. Will the applicant pledge any assets other than the project itself to secure the bonds? If so, what?
N/A

B. What other person, firm or corporation will guarantee the payment of the bonds?
N/A

SUBMIT AS AN ATTACHMENT, THE SAME FINANCIAL INFORMATION WITH RESPECT TO THE GUARANTOR AS IS REQUESTED FOR THE APPLICANT UNDER PART III ABOVE.

C. What portion of the project will be financed from funds other than bond proceeds?

TBD

What is the source of such funds?

The company expects to use bank financing and business funds.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

- D. Has the applicant consulted a prospective purchaser or underwriter to determine whether the bonds are marketable?

No

If so, state the name, address and principal contact of the prospective underwriter:

- E. If the bonds are to be privately placed, please attach the letter of intent or commitment letter relating to such sale:
-

- F. Has the applicant considered conventional financing?
Yes, company has explored various financing options.
-

- G. Does the applicant or its parent intend to purchase all or any part of the proposed bond issue?
-

V. Tax Abatement

Is the applicant requesting any tax abatement for the project in accordance with the Unified Government's policy? Describe estimated amount of tax abatement?

Yes, Tax Abatement for 10 years is being requested for the project.

VI. Appraiser's Statement

Attach as a part of this application, a letter signed by the County Appraiser stating the estimated amount of ad valorem taxes payable for the land and improvements to be financed through the proceeds of the proposed bonds.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

VI. Certification of Applicant

The undersigned hereby represents and certifies that, to the best knowledge and belief of the undersigned, this application contains no information or data, contained herein or in the exhibits or attachments, that is false or incorrect and that it is truly descriptive of the property which is intended as the security for the proposed bonds.

A check in the amount of \$1,000 representing the non-refundable application fee is enclosed.

The undersigned acknowledges and agrees to pay a bond origination fee calculated on the schedule set forth below (less the \$1,000 application fee) to the Unified Government simultaneously with the issuance of the bonds.

APPLICANT NAME: Todd Fender

SIGNATURE: *Todd Fender*
Todd Fender (May 1, 2024 09:43 CDT)

TITLE: Chief Financial Officer

Bond Origination Fee: .400% of principal amount of bonds issued up to \$10,000,000
 .250% of principal amount of bonds issued \$10,000,000 -- \$25,000,000
 .125% of principal amount of bonds issued \$25,000,000 and over

Dated this _____ day of May 1, 2024, _____.

Todd Fender
Todd Fender (May 1, 2024 09:43 CDT)
Applicant Name

By: Todd Fender
Title: Chief Financial Officer

FIRM DATA SHEET
(To be completed by the Firm)

Firm and Its Employees

Name of Firm: Mies Real Estate Holdings LLC

Description of the Firm's location or expansion in the community:

The company is looking at building a new facility at 6036 Speaker Road in Kansas City, KS. This expansion is
looking to include a 75,000 sq foot building, new equipment and new jobs created. They are looking at this project
being in-service around the end of Q1 2025.

SIC

424400

Market Value of the Firm's initial new or additional investment in:

Land \$ 1,450,000

Building and improvements \$ 14,500,000

Furniture, fixtures and equipment \$ 1,500,000

Projected expansions:

Expansion 2:

Year of expansion: _____

Additional investment in:

Land \$ _____

Buildings and improvements \$ _____

Furniture, fixtures and equipment \$ _____

Expansion 3:

Year of expansion _____

Additional investment in:

Land \$ _____

Buildings and improvements \$ _____

Furniture, fixtures and equipment \$ _____

Expansion 4:

Year of expansion _____

Additional investment in:

Land \$ _____

Buildings and improvements \$ _____

Furniture, fixtures and equipment \$ _____

FIRM DATA SHEET
(To be completed by the Firm)

New or additional sales of the firm *Additional sales of the firm compared to 2024

Year	
1	\$ <u>\$10,000,000</u>
2	\$ <u>\$21,000,000</u>
3	\$ <u>\$33,000,000</u>
4	\$ <u>\$46,000,000</u>
5	\$ <u>\$59,000,000</u>
6	\$ <u>\$74,000,000</u>
7	\$ <u>\$91,000,000</u>
8	\$ <u>\$108,000,000</u>
9	\$ <u>\$128,000,000</u>
10	\$ <u>\$148,000,000</u>

Percent of sales subject to sales taxes in the:

City	<u>TBD</u>	%
County	<u>TBD</u>	%
State	<u>TBD</u>	%

Annual net taxable income, as a percent of sales, on which state corporate income taxes will be computed: Est. 10% %

Annual purchases of the firm: *Includes Supplies, Repairs & Maintenance

Year	
1	\$ <u>311,000</u>
2	\$ <u>337,000</u>
3	\$ <u>363,000</u>
4	\$ <u>392,000</u>
5	\$ <u>424,000</u>
6	\$ <u>458,000</u>
7	\$ <u>495,000</u>
8	\$ <u>534,000</u>
9	\$ <u>577,000</u>
10	\$ <u>623,000</u>

Percent of purchases subject to sales taxes in the:

City	<u>Est. 75%</u>	%
County	<u>Est. 75%</u>	%
State	<u>Est. 75%</u>	%

FIRM DATA SHEET

(To be completed by the Firm)

Annual utilities that will be used by the firm:

Water	\$	2,400
Wastewater	\$	
Telephone	\$	1,200
Electricity	\$	78,000
Gas	\$	
Garbage	\$	
Cable	\$	2,400
Other	\$	
	\$	
	\$	
	\$	

Year

*Assuming 3% increase annually

1	\$	84,000
2	\$	86,520
3	\$	89,115
4	\$	91,790
5	\$	94,550
6	\$	97,380
7	\$	100,300
8	\$	103,310
9	\$	106,410
10	\$	109,600

Number of new employees moving to the county each year:

Year	From out-of state	Total
1	TBD	
2		
3		
4		
5		
6		
7		
8		
9		
10		

FIRM DATA SHEET
(To be completed by the Firm)

Average Annual Salaries of employees:

Year	
1	\$ 58,900
2	\$ 59,600
3	\$ 60,470
4	\$ 62,280
5	\$ 64,150
6	\$ 64,500
7	\$ 65,000
8	\$ 65,500
9	\$ 66,000
10	\$ 66,500

Household size of a typical new worker: 4

Number of school age children in the household of a typical new worker: 2

Construction

Initial construction or expansion:

Cost of construction at the firm's new or expanded facility: \$ 14,500,000

If construction is by an outside contractor, estimated percent profit on the cost of construction: \$ Est. 10%

Amount of taxable construction materials purchased in: *Estimates assuming 50% is materials and 75% purchased in KS

Kansas \$ 5,437,500

The County \$ 5,437,500

The City \$ 5,437,500

Amount of taxable furniture, fixtures and equipment purchased in: *Estimates assuming 50% purchased in KS

Kansas \$ 750,000

The County \$ 750,000

The City \$ 750,000

Total construction salaries: \$ TBD

Amount paid to an average construction worker during the construction period \$ TBD

Household size of an average construction worker: \$

Number of construction workers:

FIRM DATA SHEET
(To be completed by the Firm)

Expansion 2:

Expansion construction costs:	\$	_____
If construction is by an outside contractor, estimated percent profit on the cost of construction:	\$	_____
Amount of taxable construction materials purchased in:		
Kansas	\$	_____
The County	\$	_____
The City	\$	_____
Amount of taxable furniture, fixtures and equipment purchase in:		
Kansas	\$	_____
The County	\$	_____
The City	\$	_____
Total construction salaries:	\$	_____
Amount paid to an average construction worker during the construction period:	\$	_____
Number of construction workers:		_____

Expansion 3:

Expansion construction costs:	\$	_____
If construction is by an outside contractor, estimated percent profit on the cost of construction:	\$	_____
Amount of taxable construction materials purchased in:		
Kansas	\$	_____
The County	\$	_____
The City	\$	_____
Amount of taxable furniture, fixtures and equipment purchase in:		
Kansas	\$	_____
The County	\$	_____
The City	\$	_____
Total construction salaries:	\$	_____
Amount paid to an average construction worker during the construction period:	\$	_____
Number of construction workers:		_____

FIRM DATA SHEET
(To be completed by the Firm)

Expansion 4:

Expansion construction costs:	\$	_____
If construction is by an outside contractor, estimated percent profit on the cost of construction:	\$	_____
Amount of taxable construction materials purchased in:		
Kansas	\$	_____
The County	\$	_____
The City	\$	_____
Amount of taxable furniture, fixtures and equipment purchase in:		
Kansas	\$	_____
The County	\$	_____
The City	\$	_____
Total construction salaries:	\$	_____
Amount paid to an average construction worker during the construction period:	\$	_____
Number of construction workers:		_____

Visitors

Number of out-of -town visitors expected at the firm: Not many visitors

Year	
1	\$ _____
2	\$ _____
3	\$ _____
4	\$ _____
5	\$ _____
6	\$ _____
7	\$ _____
8	\$ _____
9	\$ _____
10	\$ _____

Number of days that each visitor will stay in area: _____

Number of nights that a typical visitor will stay in a local hotel or motel:

In the City:	_____
Anywhere in the county:	_____

IRB Application - Mies Wholesale

Final Audit Report

2024-05-01

Created:	2024-05-01
By:	Matthew Carlson (matthew.carlson@creativeplanning.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAH4HR1HVTHhXU_lmiWa4cEn9SIZW_44sA

"IRB Application - Mies Wholesale" History

 Document created by Matthew Carlson (matthew.carlson@creativeplanning.com)

2024-05-01 - 1:49:47 PM GMT

 Document emailed to todd@mieswholesale.com for signature

2024-05-01 - 1:53:36 PM GMT

 Email viewed by todd@mieswholesale.com

2024-05-01 - 1:55:55 PM GMT

 Signer todd@mieswholesale.com entered name at signing as Todd Fender

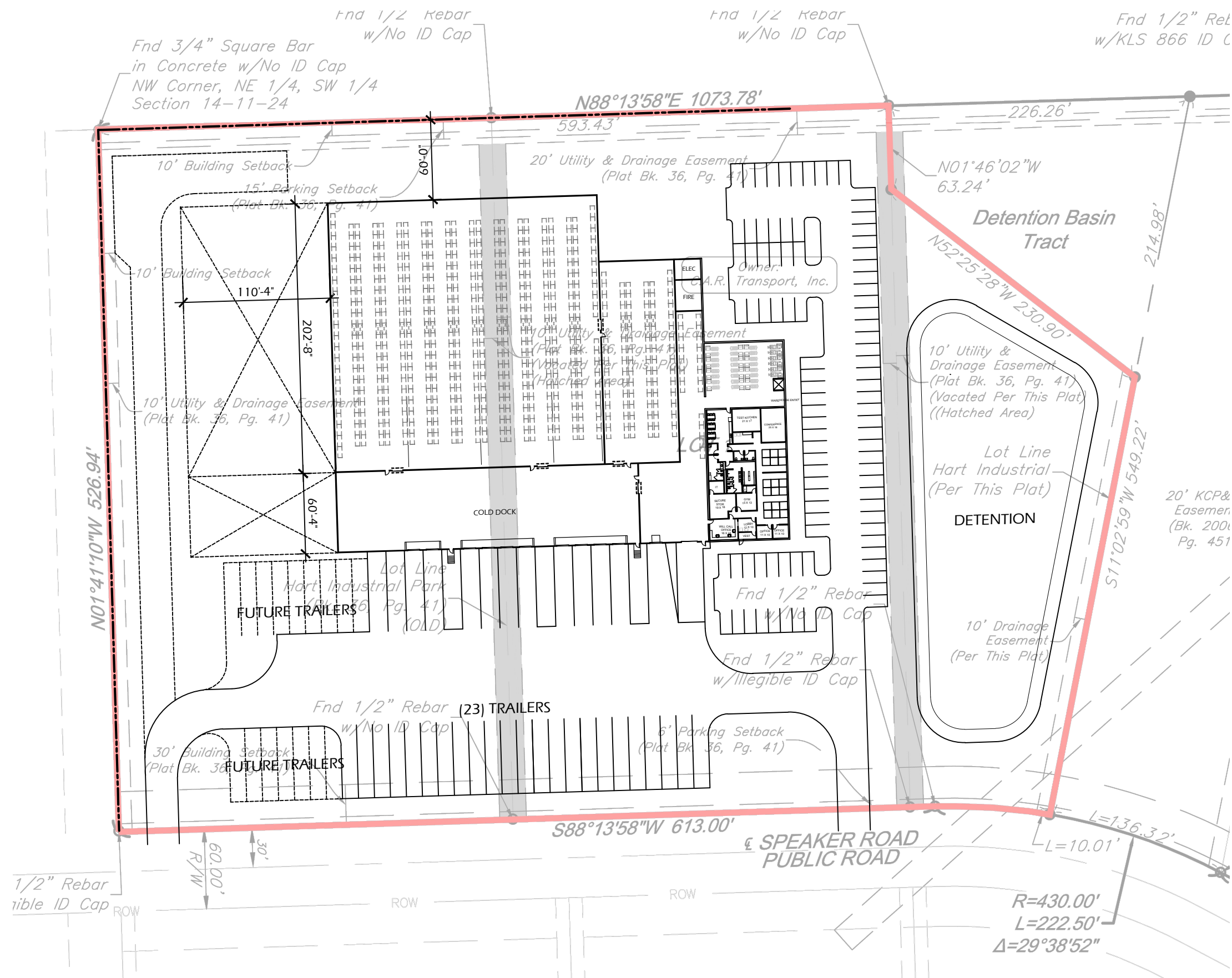
2024-05-01 - 2:42:59 PM GMT

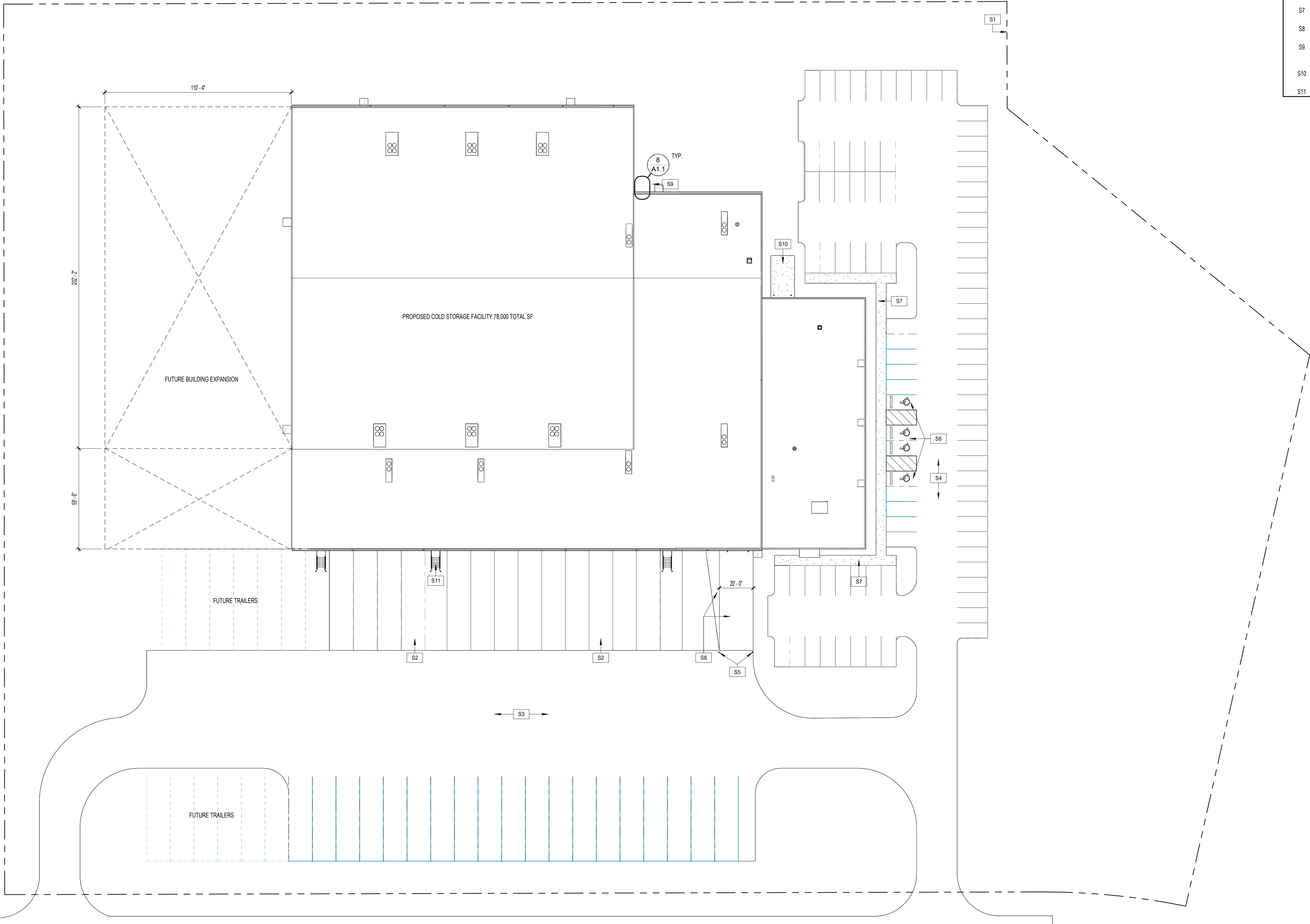
 Document e-signed by Todd Fender (todd@mieswholesale.com)

Signature Date: 2024-05-01 - 2:43:01 PM GMT - Time Source: server

 Agreement completed.

2024-05-01 - 2:43:01 PM GMT





KEY NOTES	
S1	PROPERTY LINE. VERIFY WITH CIVIL DRAWINGS.
S2	CONCRETE TRUCK APRON, TYP. - SEE CIVIL DRAWINGS
S3	TRUCK CONCRETE PAVING, TYP. - SEE CIVIL DRAWINGS
S4	CAR PARKING ASPHALT PAVING, TYP. SEE CIVIL DRAWINGS.
S5	PIPE BOLLARD PAINTED SAFETY YELLOW. SEE DETAIL 3/A1.1.
S6	ACCESSIBLE PARKING STALLS.
S7	BROOM FINISHED CONCRETE SIDEWALK. SEE CIVIL FOR MORE INFORMATION.
S8	SLOPED DRIVE-IN RAMP WITH SLOPED PAVEMENT TO DOCK APRON - SEE DETAIL 1/A1.1.
S9	5'-0" X 5'-0" HEAVE PROTECTED CONCRETE STOOP, SEE DETAIL 8/A1.1. PROVIDE AT ALL GRADE ACCESS EXTERIOR DOORS.
S10	CONCRETE PAD FOR FORK TRUCK. SEE CIVIL DRAWINGS.
S11	DOCK STEP AND GUARDRAIL- SEE SHEET A1.1.

PROJECT
MIES FAMILY FOODS BTS COOLER/FREEZER
6036 Speaker Road,
Kansas City, KS 66111

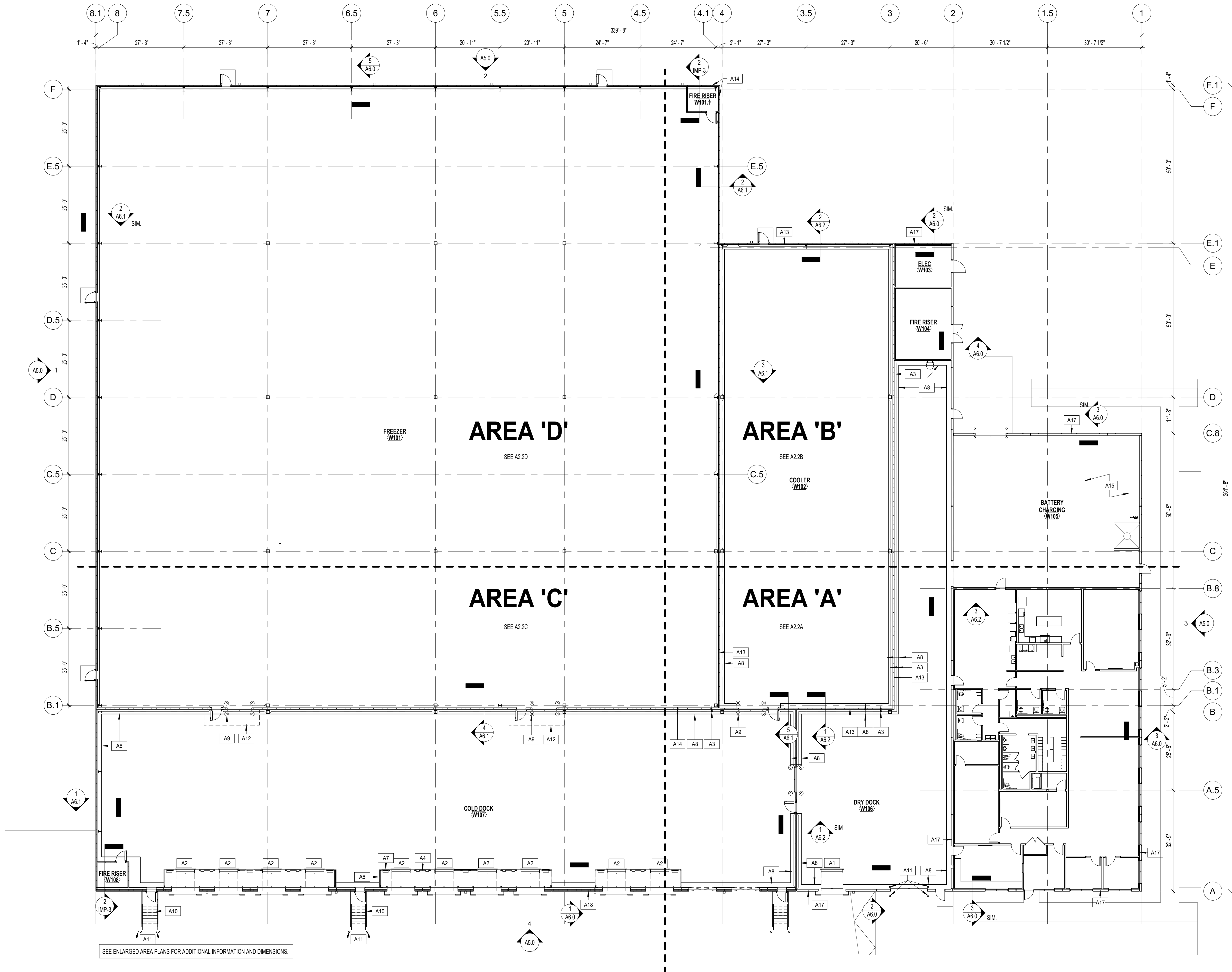
NOT FOR
CONSTRUCTION

JOB NO: GA1458
PA: Author
ISSUE DATE: 2024.06.07

REVISIONS:	
#	DESCRIPTION

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SHEET NUMBER
A1.0
SITE PLAN



1 OVERALL FLOOR PLAN - LEVEL 1
1/16" = 1'-0"

FLOOR PLAN GENERAL NOTES:

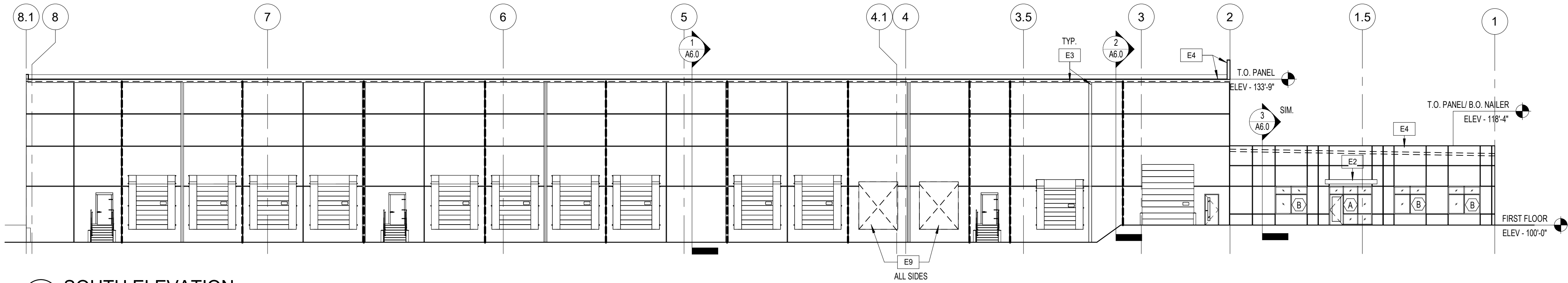
- CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS AT THE JOB SITE AND NOTIFY ARCHITECT OF ANY OMISSIONS, DISCREPANCIES, AND/OR CONFLICTS BEFORE PROCEEDING WITH THE WORK.
- GLAZING, CASEWORK, MILLWORK AND EQUIPMENT SUPPLIERS SHALL FIELD VERIFY ALL DIMENSIONS PRIOR TO FABRICATION.
- USE TAPEABLE METAL CORNER BEADS AT ALL GYPSUM BOARD CORNERS.
- DOORS SHOWN ADJACENT TO WALLS ARE TYPICALLY 4" FROM WALL TO OUTER FACE OF DOOR FRAME UNLESS NOTED OTHERWISE.
- WHERE GYP. BD. IS PROVIDED AROUND EXTERIOR OPENINGS, THE GYP. BD. SHALL BE **MOISTURE RESISTANT GYPSUM BOARD** FOR 2'-0" INTO THE BUILDING.
- ALL DIMENSIONS ARE TO FINISH FACE OF PARTITIONS.
- FIRE RETARDANT BLOCKING** SHALL BE PROVIDED IN ALL WALLS AS REQUIRED BY CODE AND AS REQUIRED / RECOMMENDED FOR THE SUPPORT OF MILLWORK, TOILET PARTITIONS AND ACCESSORIES, ETC.
- PROVIDE **MOISTURE RESISTANT GYPSUM BOARD** AT ALL WET WALLS.
- ALL EXTERIOR AND EXPOSED INTERIOR TILT CONCRETE AND MASONRY WALL JOINTS SHALL BE CAULKED USING A **TWO (2) PART TREMCO DYMERIC POLYURETHANE** OR EQUAL. THE JOINTS SHALL ALSO HAVE A **BACKER ROD** BEHIND THE CAULK.
- ALL CONCRETE FLOOR JOINTS SHALL BE FILLED WITH **MM80 SEMI-RIGID JOINT SEALANT** OR EQUAL. THE OFFICE AREA JOINTS WILL NOT BE CAULKED DUE TO THE SCHEDULE FLOOR COVERINGS.
- ALL WAREHOUSE COLUMNS SHALL BE **PAINTED** FROM FINISH FLOOR TO THE ROOF DECK.
- EXTERIOR PAINT SYSTEM FOR THE CONCRETE TILT-UP PANELS SHALL CONSIST OF (1) COAT OF A **RESISTANT PRIMER** AND (1) COAT OF A **MEDIUM TEXTURE PAINT**. SYSTEM TO CARRY A 10 YEAR WARRANTY.
- PROVIDE AN **18" WIDE RODENT RUN STRIPE** IN FRONT OF EVERY INTERNAL WALL LOCATION IN COLD DOCK, DRY DOCK, DRY GOODS, COOLER AND FREEZER.
- PROVIDE FLOOR MATERIAL **TRANSITIONAL STRIPS** WHERE REQUIRED BY CHANGE IN MATERIAL.
- PROVIDE **ACCESS PANELS** AS REQUIRED, COORDINATE WITH M.E.P. & F.P.
- COORDINATE FIRE EXTINGUISHER LOCATIONS WITH ARCHITECT AND LOCAL FIRE MARSHALL. LOCATIONS SHALL FOLLOW **NFPA 472, FM STANDARDS, AND ADA GUIDELINES**. SEE LIFE SAFETY SHEET.
- ALL PLAN BACKGROUND FEATURES SUCH AS RACKING, EQUIPMENT, FURNITURE, ETC. ARE LIGHTENED ON THE FLOOR PLANS AND ARE SHOWN FOR COORDINATION PURPOSES ONLY. THEY ARE NOT TO BE CONSIDERED A PART OF THIS PERMIT NOR SHALL THEY BE USED FOR FIELD DIMENSIONING (SCALING).

FLOOR PLAN LEGEND

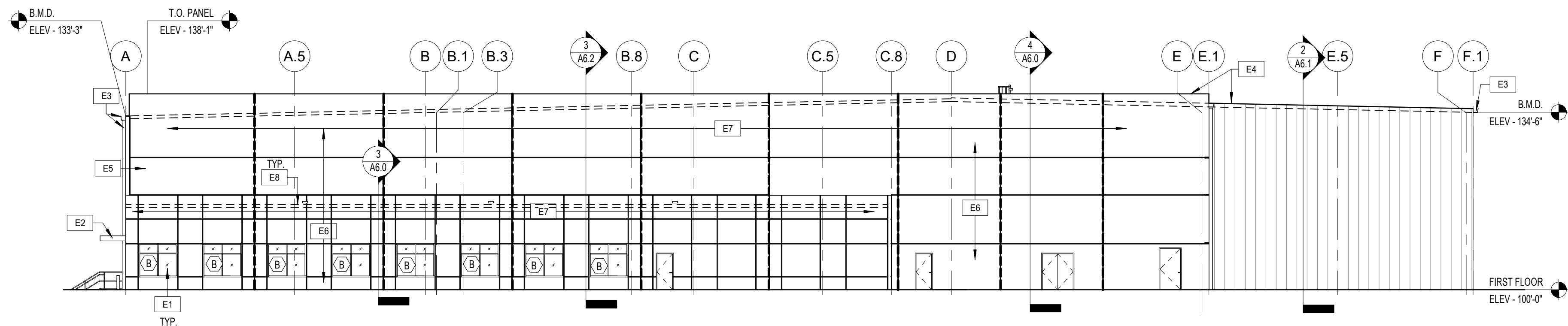
---	NEW WALL
---#	WALL TAG
---	DOOR TAG
---	WINDOW TAG
---	NEW DOOR

KEY NOTES

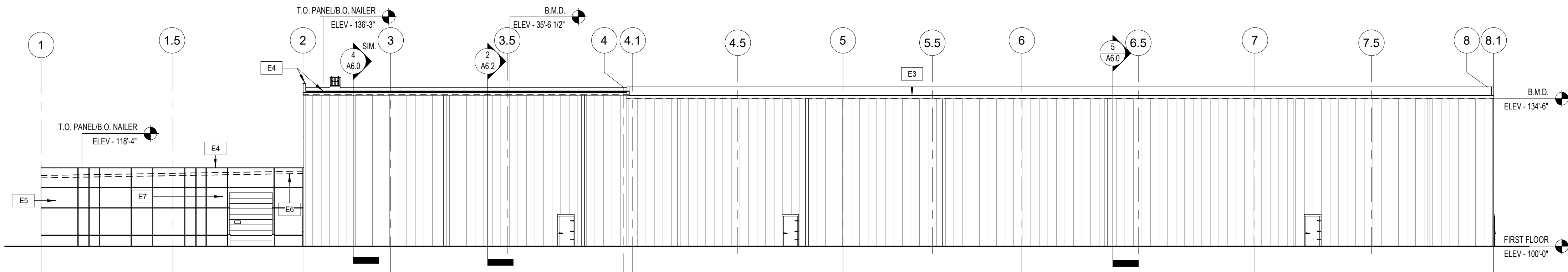
- | | |
|-----|--|
| A1 | 40,000 LB. MECHANICAL LIFT DOCK LEVELER - SEE DOOR SCHEDULE FOR FURTHER INFO. |
| A2 | 40,000 LB. HYDRAULIC LIFT DOCK LEVELER - SEE DOOR SCHEDULE FOR FURTHER INFO. |
| A3 | PROTECTIVE CONCRETE CURB, 12" HIGH AT THE FRONT AND SLOPE UP 6" AT A 45 DEGREE ANGLE TO THE IMP WALL AND SHALL BE 8" WIDE - TOTAL HEIGHT 18". HOLD BACK 6" FROM PERSONNEL DOOR OPENINGS AND 12" FROM OVERHEAD DOOR OPENINGS. PROVIDE CONTROL JOINTS AT COLUMNS AND ALIGN WITH FLOOR SLAB CONTROL JOINTS. NOT TO EXCEED 25'-0" O.C. - SEE DETAIL 1/IMP-1. |
| A4 | DOCK STANCHION W/ DOUBLE CONTROL MODULE - SEE SHEET A7.0 |
| A6 | END OF DOCK GUARDRAIL PROTECTION AND STEP DETAIL - SEE SHEET A7.0 |
| A7 | DOCK STEP AND GUARDRAIL - SEE SHEET A1.1. |
| A8 | RODENT STRIP - PAINTED WHITE, 18" WIDE, CONTINUE PAINT UP CONCRETE PROTECTIVE CURB (AS REQUIRED). |
| A9 | STEEL GOAL POSTS ON BOTH SIDES (PAINTED SAFETY YELLOW) - SEE SHEET A7.1 |
| A10 | GALVANIZED METAL DOCK STAIR - SEE SHEET A8.1 FOR MORE INFORMATION. |
| A11 | PIPE BOLLARD PAINTED SAFETY YELLOW - SEE DETAIL 6/A7.0 FOR INTERIOR AND 3/A1.1 FOR EXTERIOR. |
| A12 | PROVIDE HEAT TRACE IN MUJ SLAB 48" FROM DOOR OPENINGS IN ALL DIRECTIONS. STUB UP CONDUIT IN CONCRETE CURB (VERIFY DOOR CLEARANCE REQ'S). SEE DOOR DETAILS ON SHEET A4.2 FOR EXTENTS OF UNDER FLOOR INSULATION. |
| A13 | 5' PREFINISHED INSULATED METAL PANEL WITH CONTINUOUS BUTYL SEALANT IN PANEL JOINTS, TYP. - SEE WALL SECTIONS FOR ADDITIONAL DETAILS. |
| A14 | 6' PREFINISHED INSULATED METAL PANEL WITH CONTINUOUS BUTYL SEALANT IN PANEL JOINTS, TYP. - SEE WALL SECTIONS FOR ADDITIONAL DETAILS. |
| A15 | 1/4" THICK POLYURETHANE COATING @ BATTERY CHARGING. |
| A17 | STRUCTURAL TILT WALL PANEL - SEE STRUCTURAL DRAWINGS FOR MORE INFO. |
| A18 | INSULATED STRUCTURAL TILT WALL PANEL - SEE STRUCTURAL DRAWINGS FOR MORE INFO. |



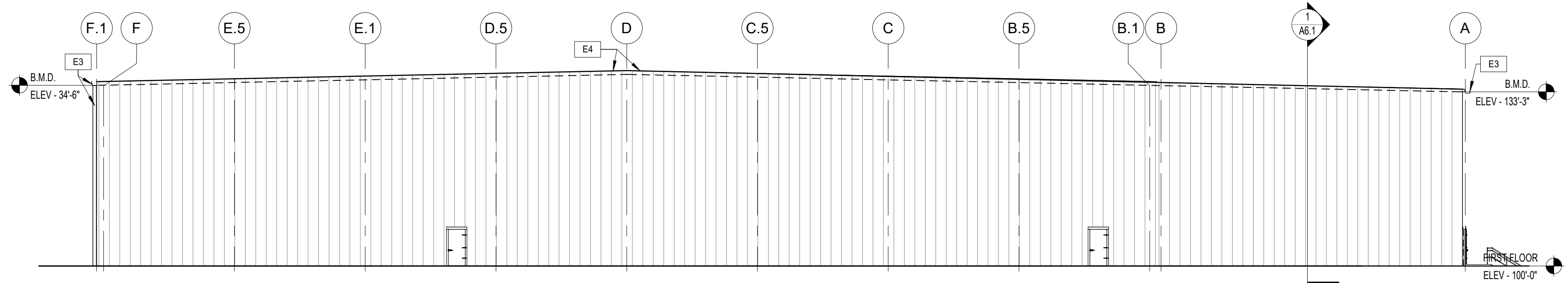
4 SOUTH ELEVATION
A5.0 1/16" = 1'-0"



3 EAST ELEVATION
A5.0 1/16" = 1'-0"

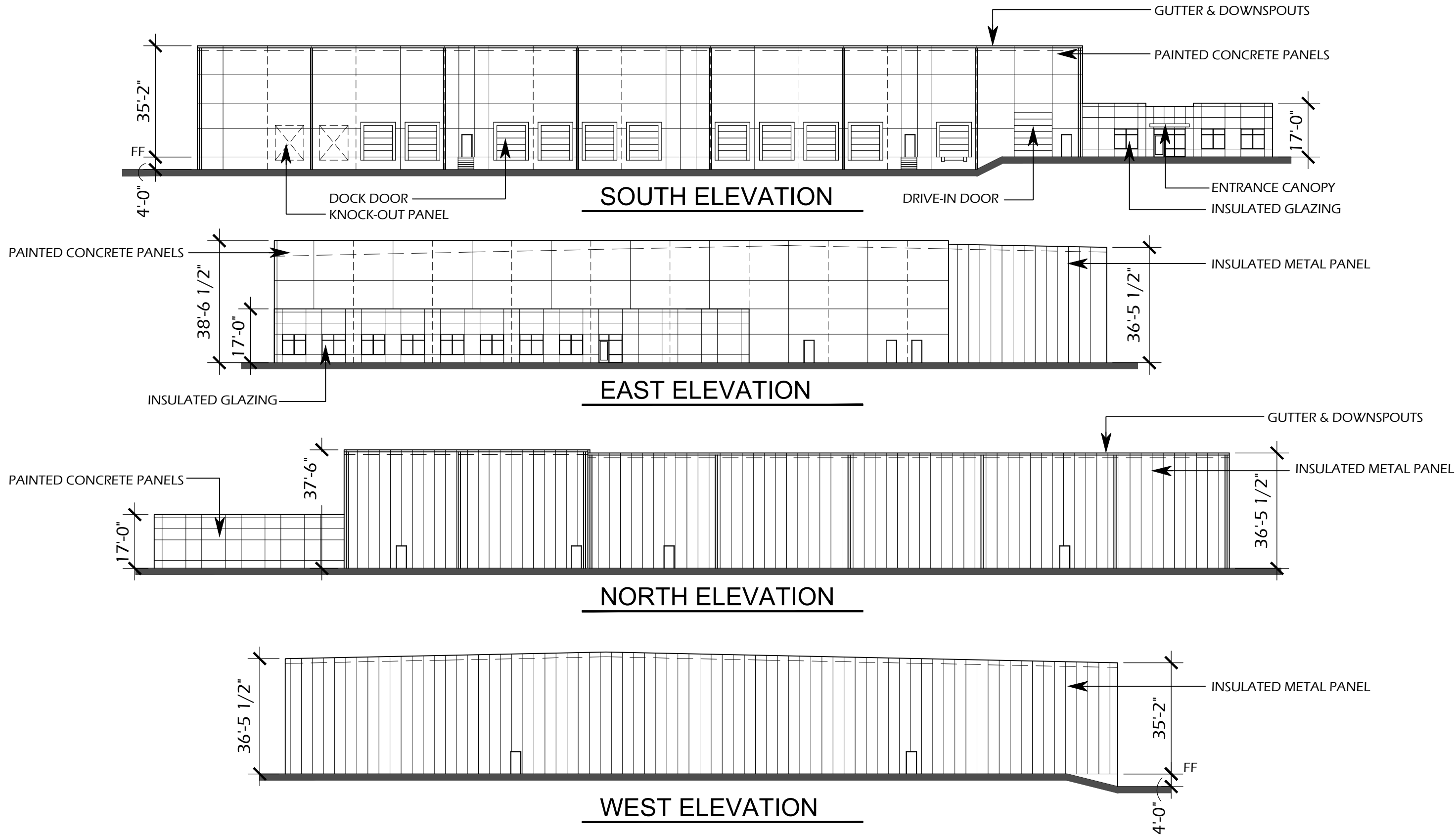


2 NORTH ELEVATION
A5.0 1/16" = 1'-0"



1 WEST ELEVATION
A5.0 1/16" = 1'-0"

KEY NOTES	
E1	GLAZING IN PREFINISHED, THERMALLY-BROKEN STOREFRONT/WINDOW SYSTEM - SEE WINDOW TYPES.
E2	PREFABRICATED METAL CANOPY ATTACHED TO TILT CONC. PANEL. COLOR TBD BY OWNER.
E3	PREFINISHED METAL GUTTER AND DOWNSPOUTS - COLOR TO MATCH COPING CAP.
E4	PREFINISHED METAL COPING CAP/EDGE - COLOR TO BE SELECTED FROM MANUFACTURER'S STANDARD COLOR OPTIONS.
E5	CONCRETE PANELS W/ REVEALS (PAINTED) - SEE WALL SECTIONS FOR ADDITIONAL DETAILS AND PANEL JOINT PLAN FOR JOINT LOCATIONS.
E6	3/4" DEEP HORIZONTAL REVEAL (PAINTED) - SEE SHEET A2.4.
E7	3/4" DEEP VERTICAL REVEAL (PAINTED) - SEE SHEET A2.4.
E8	OVERFLOW SCUPPER - SEE ROOF PLAN AND DETAILS FOR ADDITIONAL INFO.
E9	



RESOLUTION NO. R-__-24

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$17,450,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING AN INDUSTRIAL FACILITY FOR THE BENEFIT OF MIES REAL ESTATE HOLDINGS,6036 SPEAKER ROAD LLC AND ITS SUCCESSORS AND ASSIGNS

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government 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 Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial 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, Mies Real Estate Holdings,6036 Speaker Road LLC, a Missouri~~Kansas~~ limited liability company (together with permitted successors and assigns, the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, purchasing, constructing, installing and equipping an approximately 75,000 square foot industrial facility located generally at 6036 Speaker Road in the City of Kansas City, Kansas, as more fully described in the Application (collectively, the “Project”) through the issuance of its industrial revenue bonds in one or more series in the principal amount of not to exceed \$17,450,000 (the “Bonds”), and to lease the Project to the Company in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act in a principal amount of not to exceed \$17,450,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company; and

WHEREAS, to set forth certain terms of the Project and the proposed property tax abatement, the Unified Government desires to approve the Performance Agreement between the Unified Government and Company (the “Performance Agreement”) and authorize the Mayor/CEO’s execution thereof.

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

Section 1. Approval of Project The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project

shall be generally located at 6036 Speaker Road in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed \$17,450,000, to be issued pursuant to the Act.

Section 3. Ad Valorem Tax Abatement. In consideration of the Company's decision to acquire, construct, improve and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the Unified Government under Kansas law, including the school district's capital outlay levy) for all property (including real property, building improvements, machinery and equipment) financed with the proceeds of the Bonds.

In consideration of the Unified Government's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax as set forth on **Exhibit A** hereto, and such amounts shall be set forth in the Performance Agreement and subject to adjustment as set forth therein. The Project shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued.

Section 4. Performance Agreement. The Mayor/CEO is authorized and directed to execute and deliver the Performance Agreement between the Unified Government and the Company on behalf of, and as the act and deed of the Unified Government, in substantially the same form as presented to the governing body on this date with such corrections or amendments thereto as the Mayor/CEO, upon recommendation of the Chief Counsel of the Unified Government, may approve.

Section 5. Provision for the Bonds. Subject to the conditions of this Resolution of Intent (this "Resolution"), the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be reasonably acceptable to the Company and determined by ordinance of the Unified Government (the "Ordinance"); (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 6. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds and ad valorem tax abatement; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 7. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be reasonably acceptable to the Unified Government.

Section 8. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a lease agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Trust Indenture to be entered into between the Unified Government and the trustee for the Bonds (the "Indenture"). The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 9. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 10. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 11. Termination of Resolution. This Resolution shall terminate upon termination of the Performance Agreement. Additionally, this Resolution shall terminate upon eighteen (18) months 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 Unified Government for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 12. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company or as otherwise set forth in the Performance Agreement, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 13. Further Action. Counsel to the Unified Government, and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, 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 Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 14. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON JULY 25, 2024.**

(SEAL)

By: _____
Tyrone A. Garner, Mayor/CEO

ATTEST:

By: _____
Monica L. Sparks,
Interim Unified Government Clerk

APPROVED AS TO FORM:

By: _____
Office of Chief Counsel

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Below is an approximate payment in lieu of tax (PILOT) schedule based on a facility square footage of 75,000, which may be adjusted as set forth in the Performance Agreement. Local, Minority, and Women Business Enterprise (L/M/W) goals will be further specified in the Performance Agreement or other separate agreement. PILOT payments do not include the school district's capital outlay levy that cannot be abated under Kansas law.

Facility Square Footage	75,000
--------------------------------	--------

Year^(a)	Annual PILOT^(b)	Annual PILOT if L/M/WBE Failure^(b)
1	\$19,367	\$29,050
2	19,754	29,631
3	50,373	60,447
4	51,380	61,656
5	104,816	162,465 <u>115,297</u>
6	106,912	117,603
7	163,576	174,481
8	166,847	177,970
9	192,875	204,221
10	196,733	208,305

Business Category	Participation Percentage Goal Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

^(a) Year 1 refers to calendar year beginning January 1 after issuance of Bonds.

^(b) Does not include school district capital outlay levy.

PERFORMANCE AGREEMENT

Dated as of July 25, 2024

BETWEEN THE

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

AND

MIES REAL ESTATE ~~HOLDINGS~~, 6036 SPEAKER ROAD LLC

Prepared By:

**Gilmore & Bell, P.C.
Kansas City, Missouri**

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT, dated as of July 25, 2024 (this “**Agreement**”), between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**, a municipal corporation organized and existing under the laws of the State of Kansas (the “**Issuer**”), and **MIES REAL ESTATE HOLDINGS, 6036 SPEAKER ROAD LLC**, a ~~Missouri~~Kansas limited liability company, or assigns (the “**Company**”);

WITNESSETH:

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “**Act**”), to acquire, construct and improve certain facilities for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for said projects, and to issue revenue bonds for the purpose of paying the cost of any such facilities;

WHEREAS, pursuant to such authorization, the governing body of the Issuer has adopted a Resolution (the “**Resolution**”) indicating the Issuer’s intent to issue one or more series of taxable industrial revenue bonds in the principal amount of not to exceed \$17,450,000 (the “**Bonds**”), for the purpose of acquiring, constructing, improving, installing, furnishing and equipping the Project and authorizing the Issuer to enter into this Agreement;

WHEREAS, the Issuer is authorized and empowered under the Act and K.S.A. 79-201a, as amended (the “**Abatement Statute**”) to exempt from ad valorem taxation all or any portion of the Project financed with the proceeds of the Bonds, subject to the limitations set forth in the Abatement Statute and this Agreement; and

WHEREAS, pursuant to the foregoing, the Issuer desires to enter into this Agreement with the Company in consideration of the Company’s desire to acquire, construct, improve, install, furnish and equip the Project as more fully described in the hereinafter defined Application upon the terms and conditions hereinafter set forth and in the Lease Agreement to be entered into between the Issuer and the Company relating to the Project (the “**Lease Agreement**”).

NOW, THEREFORE, in consideration of the premises and the mutual representations, covenants and agreements herein contained, the Issuer and the Company hereby represent, covenant and agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions of Words and Terms. The following words and terms as used herein shall have the following meanings:

“**Abatement Statute**” means K.S.A. 79-201a, as amended.

“**Ad valorem taxes**” or “**ad valorem taxation**” means all property taxes imposed on real or personal property (including fixtures) and eligible for exemption pursuant to the Abatement Statute.

“Agreement” means this Performance Agreement between the Issuer and the Company, as from time to time amended and supplemented in accordance with the provisions hereof.

“Application” means the Application for Issuance of Industrial Revenue Bonds filed with the Issuer by the Company in connection with the request for the issuance of the Bonds, a copy of which is attached hereto as **Exhibit A**.

“Board of Tax Appeals” means the State of Kansas Board of Tax Appeals.

“Bond Financed Portion of the Project” means that portion of the Project financed in whole from the proceeds of the Bonds as evidenced by the requisitions submitted by the Company to the bond trustee in accordance with **Section 2.7** hereof.

“Bonds” means the Issuer’s taxable industrial revenue bonds issued in relation to the Project in the maximum aggregate principal amount of \$17,450,000.

“Company” means Mies Real Estate ~~Holdings, 6036 Speaker Road~~ LLC, a ~~Missouri~~Kansas limited liability company, and its successors and assigns.

“Event of Default” means any Event of Default as described in **Section 5.1** hereof.

“Exempt Period” means the ten (10) calendar years beginning on the January 1 following the issuance of the Bonds.

“Exempt Property” means all Property that is exempt from taxation pursuant to K.S.A. 79-201(a) *Second* and/or *Twenty-Fourth* by reason that such property was constructed or purchased with the proceeds of the Bonds authorized by and in accordance with the Abatement Statute.

“Force Majeure” means acts of God, strikes, lockouts, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate government authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the Issuer to timely approve the plans or construction documents relating to the Project, war, terrorism, pandemic or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement.

“Future Facility Additions” means any additions, improvements or renovations to or equipping of the Bond Financed Portion of the Project following the receipt of a final certificate of occupancy for the final building comprising the Project. As used herein, **“Future Facility Additions”** shall never include any future additions, improvements or renovations to or equipping of the Project that are exempt from ad valorem taxes.

“Issuer” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“Property” means all real and personal property subject to taxation pursuant to K.S.A. 79-101.

“Project” means acquiring, purchasing, constructing, installing and equipping an approximately 75,000 square foot industrial facility, as further described in **Section 3.3**, including land, buildings, structures, improvements and fixtures, machinery, and equipment, all that will be generally located at 6036 Speaker Road in the City of Kansas City, Kansas.

“Project Costs” means all costs and expenses of every nature paid from proceeds of the Bonds and relating to the acquisition, construction, improvement, installation, furnishing and equipping of the Project.

“Project Site” means all of the real property described in **Exhibit B** attached hereto and by this reference made a part hereof.

“Tax Payment” means a payment-in-lieu of taxes to be paid by the Company in the amounts set forth in **Section 2.3** and **Exhibit C** hereof.

ARTICLE II

EXEMPTION; PAYMENTS IN LIEU OF TAX

Section 2.1. Exempt Property. During the Exempt Period, and so long as the Bonds are outstanding and the Company remains in compliance with this Agreement, the Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be and remain Exempt Property.

Section 2.2 Agreement to Make Tax Payments. The Company covenants and agrees that, for each calendar year during the Exempt Period that the Bond Financed Portion of the Project is Exempt Property, the Company will make a Tax Payment in lieu of ad valorem taxes to the County Treasurer. For each such calendar year, 50% of the Tax Payment with respect to such calendar year shall be due and payable on or before the date that the first installment of ad valorem taxes for real property are due (and in any event, not later than December 20th), and the balance of such Tax Payment with respect to such calendar year shall be due and payable on or before the date that the second installment of ad valorem taxes for real property are due (and in any event, not later than May 10th of the immediately succeeding calendar year).

Section 2.3. Amount of Tax Payment. The Tax Payments shall be in the amounts shown in **Exhibit C**. The parties acknowledge that such Tax Payments do not include special assessments, if any, and the school district’s capital outlay levy that cannot be abated under Kansas law and that the Tax Payments are subject to adjustment as set forth in **Exhibit C**.

Section 2.4. Term of Agreement. This Agreement shall become effective upon execution, and subject to earlier termination pursuant to the provisions of this Agreement (including particularly **Article V** hereof), shall terminate upon the later of (i) the expiration of the Exempt Period or (ii) the date of the final Tax Payment.

Section 2.5. No Abatement of Special Assessments and Certain Property Taxes. The Issuer and the Company hereby agree that the Abatement Statute and any tax abatement with respect to the Project shall not apply to special assessments and property taxes that cannot be abated under Kansas law. In the event special assessments are ever abated, the Company hereby agrees that 100% of the amount of such abated special assessments shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement.

Section 2.6. Obligation of Issuer to Effect Tax Abatement. The Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be Exempt Property during the Exempt Period and agrees to make filings required by the Wyandotte County Board of Commissioners or the Board of Tax Appeals; provided, however, the Issuer shall not be liable for any failure of the Board of Tax Appeals to effect the exemption permitted by the Abatement Statute. The Issuer covenants that it will not knowingly take any action that the Issuer has knowledge may cause the Bond Financed Portion of the Project to no longer be

Exempt Property. In the event the Bond Financed Portion of the Project is determined to no longer be Exempt Property, the Issuer shall, at the Company's request, cooperate with the Company in all reasonable ways to cause the Bond Financed Portion of the Project to be Exempt Property, including cooperating with the Company in any related litigation. The Company agrees to pay to the Issuer the costs that the Issuer incurs (including legal fees and expenses) in cooperating with the Company in the manner required by this Section.

Section 2.7. Compliance. Within ten (10) business days following the request of the Issuer, the Company shall provide the Issuer with (i) copies of the requisitions submitted by the Company to the bond trustee in accordance with the Lease Agreement for the preceding calendar year, (ii) a list containing a brief description and the amount of all costs of the Bond Financed Portion of the Project, and (iii) the total costs of the Project, all in such reasonable detail as the Issuer shall request.

Section 2.8. Value of the Project Not Determined by Bonds. The Issuer and the Company acknowledge that it is not the intent of the parties that the principal amount of the Bonds be used for the purpose of determining the appraised value of the Project or any portion thereof for tax purposes.

Section 2.9. Classification; Limitation on Company's Right To Protest. If the Project Site is not currently classified as commercial, the Company acknowledges that the county appraiser may reclassify the Project Site to commercial as a result of the issuance of the Bonds. During the term of this Agreement, the Company agrees that it will not, without the written consent of the Issuer, (i) seek to change the classification of all or any portion of the Project Site from commercial to another classification, or (ii) contest the reclassification of all or any portion of the Project Site to commercial.

Except as set forth in the preceding paragraph, nothing in this Agreement shall be construed to limit or in any way restrict the ability of the Company to utilize any provision of Kansas law to appeal, protest or otherwise contest any property tax valuation, assessment or similar action with respect to the Project Site or any portion thereof.

Section 2.10. Credits for Tax Payments; No Duplicate Tax Liability. Nothing in this Agreement shall be construed to require the Company to make duplicate tax payments. The Company shall receive as a credit against its obligations to pay the Tax Payments, the amount of any ad valorem taxes (other than special assessments and property taxes that cannot be abated under Kansas law) paid by the Company to the County to the extent that the amounts paid to the County include any taxes due with respect to the Exempt Property.

Section 2.11. No Abatement on Appraised Value of Future Facility Additions. In the event any Future Facility Additions are determined to be Exempt Property as a result of the issuance of the Bonds, this Agreement or for any other reason, so long as this Agreement remains in effect, the Company hereby agrees that 100% of the amount of such abated ad valorem taxes attributable to the Future Facility Additions shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement. This provision shall not be construed as restricting the Company from applying to the Issuer or to any other governmental entity for any future tax abatement in connection with the Future Facility Additions.

Section 2.12. Tax Abatement Order; Adjustment of Tax Payment. The Issuer and the Company acknowledge that, prior to the Bond Financed Portion of the Project being determined to be Exempt Property, an order from the Board of Tax Appeals approving tax abatement on the Bond Financed Portion of the Project for the Exempt Period must be obtained. In the event the Board of Tax Appeals issues an order stating that less than 100% of the Bond Financed Portion of the Project is Exempt Property, the parties agree that the Tax Payment shall be decreased by an amount necessary to result in the sum of the new Tax Payment plus the

payment of ad valorem taxes by the Company with respect to the Bond Financed Portion of the Project is equal to the original Tax Payment. In the event the Board of Tax Appeals issues an order stating that none of the Bond Financed Portion of the Project is Exempt Property, then the Tax Payment shall be reduced to \$0.

Notwithstanding the foregoing, if (i) the entire Bond Financed Portion of the Project is not determined to be Exempt Property, or (ii) the Board of Tax Appeals issues an order that less than 100% of the Bond Financed Portion of the Project is Exempt Property, and such determination or order is a result of the Company's failure to comply with the terms and provisions of this Agreement (after any applicable notice and cure period), the Issuer shall be under no obligation to decrease the Tax Payment as provided in this Section. Furthermore, in no event shall the Issuer be under any obligation to make any payment to the Company as a result of the Board of Tax Appeals determining that less than 100% of the Bond Financed Portion of the Project is Exempt Property. Notwithstanding any provisions herein to the contrary, in no event shall the Company be liable for the payment of any amounts, including the Tax Payments, which are in the aggregate greater than the amount of ad valorem taxes on the Project in the event there is no abatement of the same.

Section 2.13. Determination of Appraised Value and Assessments. The Company acknowledges that the county appraiser independently determines the appraised value of Property. The Company further acknowledges that the Issuer does not have input in or in any way control the determination of the appraised value of Property or the assessment of Property, and that the Issuer cannot and is not attempting to bind the county appraiser or any other governmental authority with respect to a determination of the appraised value of the Bond Financed Portion of the Project.

ARTICLE III

COVENANTS OF THE COMPANY

Section 3.1. Construction. The Project will be constructed, equipped, and operated (or caused to be operated) in a manner that is consistent with the description of the Project herein. In the event the Project is constructed, equipped, or operated in a manner that the Issuer determines, in its reasonable discretion, is materially inconsistent with the description of the Project herein, the Issuer reserves the right to declare an Event of Default in accordance with **Section 5.1** hereof.

Section 3.2. Completion Date. Subject only to Force Majeure, the Company agrees to commence construction on or before [December 31, 2024],² and substantially complete construction of the Project on or before [December 31, 2025].² "Commence construction" shall mean that the Company has entered into a contract with a licensed contractor for the construction of the Project and the Issuer has issued a building permit therefor. "Substantially complete," for purposes of this Section, shall mean that the Project can be occupied or utilized for its intended purpose as an industrial facility, as evidenced by receipt by the Company of a temporary certificate of occupancy for the Project. The parties agree that the governing body of the Issuer will consider an ordinance authorizing the issuance of the Bonds on or about such time, but in no event will the Bonds be issued later than December 31, ~~2025~~²⁰²⁵.

Section 3.3. Development of Project. The Company covenants that the Project, including all buildings, parking facilities, and other improvements constituting the Project, shall be developed, constructed, completed, and operated (or caused to be operated) on the Project Site in substantial accordance and compliance with the terms and conditions of this Agreement and the final site plan approval from the Issuer's Planning Commission, and this Agreement shall not be construed to waive such Planning Commission's discretion in approving or disapproving the same. On and subject to the terms and provisions set forth in this Agreement, Company shall have the sole right to, and shall be responsible for, design, construction, equipment and completion of the Project, and shall operate (or cause to be operated) and use the Project in the manner described herein. The parties further agree as follows:

(a) The Project shall be designed, developed, and constructed as an approximately 75,000 square foot industrial and industrial facility as generally depicted in **Exhibit E** attached hereto, though the parties acknowledge the depiction in **Exhibit E** is subject to modification pursuant to the Issuer's planning process.

(b) Company stipulates and agrees that its signage shall be subject to all applicable laws and requirements of the Issuer and any special use permits granted by the Issuer's governing body.

(c) The Project shall include parking improvements containing at least the number of spaces required by the Issuer's applicable laws and requirements.

(d) The Company's plans for landscaping on the Project Site shall be considered in accordance with all applicable laws and requirements of the Issuer and the Issuer's approval thereof will not be unreasonably withheld.

Section 3.4. Maintenance and Use. The Company shall cause the Project and the Project Site to be maintained, preserved and kept in good repair and working order and in a safe condition, consistent at all times with other industrial and manufacturing space in the greater metropolitan Kansas City area, and will make all repairs, renewals, replacements and improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Project Site. Company specifically understands and agrees that the Issuer shall not undertake or have any obligation under this Agreement for snow or ice removal on sidewalks located at or adjacent to the Project.

Section 3.5. Inspection. The Company agrees that the Issuer and its duly authorized agents shall have the right at reasonable times (during business hours), subject to at least 48 hours advance notice and to the Company's usual business proprietary, safety and security requirements, to enter upon the Project Site to examine and inspect the Project and the records of the Company which demonstrate compliance with this Agreement, including, but not limited to, inspections necessary to confirm compliance with **Section 3.3.**

Section 3.6. Compliance with Laws. The Project will comply in all material respects with all applicable building and zoning, health, environmental and safety ordinances and regulations and all other applicable laws, rules and regulations.

Section 3.7. Employment Certification. Beginning on March 1 in the calendar year following the issuance of Bonds, and on each March 1 thereafter and at any other time that the Issuer may request, for the term of this Agreement, the Company shall provide a written certification to the Issuer stating the total number of full-time employees employed at the Project.

Section 3.8. Payment of Fees and Reimbursement or Payment of Costs.

(a) The Company agrees to pay to the Issuer the standard fees charged by the Issuer in connection with tax abatement projects and the issuance of industrial revenue bonds. These fees include, but are not limited to, an initial application fee (which the Issuer agrees has been paid in full), a service fee that is due at the time of issuance of the Bonds and an annual administrative fee: in an amount not to exceed \$1,000. The Company acknowledges receipt of a fee schedule from the Issuer and acknowledges that the fee schedule may be adjusted or amended by the Issuer at any time upon notice to the Company.

(b) The Company agrees to promptly reimburse the Issuer, within ten (10) business days following receipt by the Company of an invoice from the Issuer and reasonable supporting documentation, for any reasonable amounts that the Issuer pays to any other party as a result of the Issuer pursuing, obtaining or maintaining the tax abatement granted to the Company pursuant to this Agreement. These costs shall include, but shall not be limited to, all fees and expenses for filings with the Board of Tax Appeals (including the application fee and annual administration fee), legal notice publication expenses, and the costs and expenses of the Issuer's legal counsel. The Company agrees that the Issuer may, in lieu of seeking reimbursement from the Company, forward any invoice received by the Issuer to the Company, which invoice is for a cost which the Issuer could seek reimbursement from the Company pursuant to this paragraph, and the Company agrees to promptly pay such invoice and to promptly provide the Issuer with evidence of such payment.

Section 3.9. Abatement of Property. The Abatement Statute provides that, with certain exceptions, any property constructed or purchased in part with the proceeds of revenue bonds issued under the authority of the Act is exempt from taxation for a period of up to ten years to the extent of the value of that portion of the property financed by the revenue bonds. The tax abatement commences in the year following the year in which the Bonds are issued.

Company understands that property will be exempt under the Abatement Statute only if such property is purchased or reimbursed with the proceeds of the Bonds. In order to be purchased or reimbursed with Bond proceeds, the trustee for the Bonds must receive a requisition request from the Company and must make a draw on the Bonds and use the money to either (a) pay, or (b) reimburse the Company for the cost of the property, which the parties acknowledge and agree may be documented via book entry.

The Abatement Statute also provides that if property purchased with proceeds of the Bonds is used in any retail enterprise identified under the NAICS sectors 44 and 45 ("**Prohibited NAICS**"), the property will not be exempt from taxation, unless the property is a facility used exclusively to house the headquarters or back office operations of a prohibited retail enterprise.

The Abatement Statute further provides that property purchased with bond proceeds is not exempt from taxation if the property is (i) a swine production facility (as described in K.S.A. 12-1749b), (ii) property located in a redevelopment project area established under the authority of K.S.A. 12-1770 or (iii) a poultry or rabbit confinement facility (as described in K.S.A. 17-5903).

Company hereby represents that the NAICS code for the Project is not included within the list of Prohibited NAICS and agrees that during the term of the tax abatement, the property purchased with the proceeds of the Bonds will not be used in any of the Prohibited NAICS. Company understands that if any property purchased with the proceeds of the Bonds is used in a Prohibited NAICS, that property will not be subject to property tax abatement under Kansas law.

Company represents that the Project is not, and will not become, a swine production facility, a poultry or rabbit confinement facility or inventory, and that the Project is not located in a redevelopment project area as defined in K.S.A. 12-1770 *et seq.*

Section 3.10. Solid Waste Services. Until termination of this Agreement, the Company agrees that it and all of its tenants, subtenants, operators and licensees shall exclusively use the solid waste services of the Unified Government for the Project. This requirement shall not apply to the Company or any user if the Company or user demonstrates that solid waste services provided by the Issuer are inadequate to serve such user's reasonable needs.

Section 3.11. LBE/MBE/WBE Employment Opportunity Goals. The Company agrees to comply with the goals set forth on **Exhibit D** in order to identify and provide employment opportunities for local businesses and contractors, women and local minority owned businesses. The Company hereby understands and agrees that if it shall fail to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** for the Construction (as those terms are defined therein) of the Project, then the Tax Payments shall be increased as set forth in **Exhibit C**. The parties agree that failure to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** shall not cause an Event of Default hereunder, and the Issuer's sole remedy will be increasing the amount of Tax Payments as set forth in **Exhibit C**.

ARTICLE IV

SALE AND ASSIGNMENT

Except as otherwise provided herein, the Company will not, without the prior written consent of the Issuer, (a) assign, sell, lease, or otherwise transfer the Project Site, the Project, or equipment that comprises the Project or any part thereof or any interest therein; (b) merge with or into another corporation or sell or transfer to another corporation substantially all of its assets; or (c) assign this Agreement. The Issuer shall have the right to grant or withhold its consent to any of the aforesaid in its reasonable discretion after inquiry and delivery of information to the Issuer as to whether the proposed assignee has sufficient financial wherewithal and experience to successfully complete and/or operate the Project according to the terms hereof. If an assignment is approved by the Issuer, the assignee shall assume and agree to pay and perform each and all of terms and provisions hereof. Notwithstanding the foregoing, the parties hereby agree that the Company may do any of the following without written consent of the Issuer:

(a) The Company may grant a mortgage, leasehold mortgage, or other security on the Project to a lender in order to finance construction of the Project or refinance the Project, including, but not limited to, collateral assignment of all or any portion of its rights or obligations under this Agreement or any other documents entered into in connection with the Bonds.

(b) The Company may terminate this Agreement, and thereafter freely sell, assign, transfer or mortgage the Project.

(c) The Company, upon written notice to the Issuer, may freely sell, assign, lease or transfer all or any portion of the Project or Project Site, and/or its rights or obligations under this Agreement and any other documents entered into in connection with the Bonds (including, without limitation, the Resolution), to an entity managed by or under common control of or by the Company or one or more of its principals.

Upon the sale, assignment, or transfer of the Project as set forth herein, the Company (as assignor) shall be relieved of all further liability occurring on and after the effective date of such disposition, except as may be otherwise set forth in the Lease Agreement.

ARTICLE V

DEFAULT AND REMEDIES

Section 5.1. Events of Default. If any one or more of the following events shall occur and be continuing, it is hereby defined as and declared to be and to constitute an “Event of Default” hereunder:

- (a) the Company shall fail to perform any of its obligations hereunder;
- (b) the Company shall breach any covenant contained herein or any representation of the Company contained herein or in the Application shall prove to be materially false or erroneous;
or
- (c) the Company shall be in default under the Lease Agreement.

Section 5.2. Remedies on Default. Upon the occurrence of an Event of Default hereunder, the Company shall be given 60 days (or such longer period as the Issuer and the Company may agree), following written notice by the Issuer to the Company of the occurrence of such Event of Default, to cure such Event of Default; provided that, if such Event of Default is of a nature that it cannot reasonably be cured within 60 days, then such occurrence will not constitute an Event of Default so long as Company: (a) commences to cure such failure within such 60-day period; and (b) diligently pursues such cure to completion. If such Event of Default is not cured within such time, this Agreement may be terminated by written notice to the Company from the Issuer. Such termination shall be effective immediately following delivery of such written notice. Upon the termination of this Agreement, the Company shall make a payment to the Issuer (or as the Issuer may otherwise direct) in an amount equal to the sum of (i) all due but unpaid Tax Payments attributed to prior calendar years, (ii) the pro rata total Tax Payments that would be due with respect to the current calendar year, (iii) the pro rata amount of any taxes that would be due for the remaining portion of the current calendar year assuming the Bond Financed Portion of the Project was not Exempt Property, and (iv) the amount of any costs and attorneys’ fees incurred by the Issuer as a result of such Event of Default and in enforcing this Agreement.

Section 5.3. Payments on Defaulted Amounts. Any amounts due hereunder which are not paid when due shall bear interest at the interest rate imposed by Kansas law on overdue ad valorem taxes from the date such payment was first due. In addition, amounts payable hereunder in lieu of ad valorem taxes that are not paid when due shall be subject to the same penalties imposed by Kansas law on overdue ad valorem taxes.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.1. Notice and Waiver of Company. The Issuer reserves the right to grant tax abatement for projects that are located adjacent to or in the proximity of the Project or for projects that are located elsewhere within the Issuer but are similar to the Project in amounts that are above or below the amounts set forth herein. The Company acknowledges and agrees that the Tax Payment, the Exempt Period

and the other terms of the tax abatement granted by the Issuer with respect to such other projects may be more favorable than the terms provided for in this Agreement. As a condition to the Issuer entering into this Agreement, the Company waives any claim it may have against the Issuer as a result of the Issuer granting tax abatement to other projects with terms that are more favorable than the terms provided for in this Agreement. Additionally, the Company agrees that it will not request that the Issuer modify this Agreement because the Issuer plans to grant or has granted tax abatement to another project or projects on terms that are more favorable than the terms provided for in this Agreement. Upon the occurrence of the Company's breach of its obligations set forth in this Section to waive any claim it may have against the Issuer as described above, following notice and opportunity to cure as set forth in Section 5.2 above, the Issuer shall have the right to immediately terminate this Agreement and the associated tax abatement and require that the Company pay to the Issuer the amounts specified in **clauses (i) through (iv) of Section 5.2**.

Section 6.2. Severability. If for any reason any provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unenforceable, the validity and enforceability of the other provisions hereof shall not be affected thereby.

Section 6.3. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Kansas.

Section 6.4. Execution in Counterparts. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

Section 6.5. Waiver. The Issuer and the Company acknowledge and agree that the amounts payable hereunder shall constitute payments due the Issuer under the Lease Agreement. The Company shall not be entitled to any extension of payment of such amounts as a result of a filing by or against the Company in any bankruptcy court.

Section 6.6. Notices. All notices, certificates or other communications required or desired to be given hereunder shall be in writing and shall be given to or filed with the Issuer and the Company as set forth below:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 323
Kansas City, Kansas 66101
Telephone: 913-573-5260
Email: msparks@wycokck.org

with a copy to:

Acting Chief Counsel
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 961
Kansas City, Kansas 66101
Telephone: 913-573-5060
Email: alawson@wycokck.org

And a copy to:

Gilmore & Bell, P.C.
Kevin Wempe
2405 Grand Blvd., Suite 1100
Kansas City, Missouri 64108
Telephone: 816-221-1000
Email: kwempe@gilmorebell.com

and to the Company at:

Todd Fender
Mies Real Estate ~~Holdings~~, 6036 Speaker Road LLC
6036 Speaker Road
Kansas City, Kansas 66111
Telephone: (816) 743-7176
Email: todd@mieswholesale.com

with a copy to:

Husch Blackwell
Chris Kline
4801 Main Street, Suite 1000
Kansas City, Missouri 64112
Telephone: _____(816) 983-8285
Email: _____chris.kline@huschblackwell.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

Section 6.7. Further Assurances. The parties each agree to do, execute, acknowledge and deliver any and all other documents and instruments and to take all such further action as shall be reasonably necessary or reasonably required in order to fully carry out this Agreement and to fully consummate and effect the transactions contemplated hereby.

Section 6.8. Authority, etc. Each party to this Agreement represents and warrants to each other party as follows: (i) that such party has the requisite power and authority to enter into and perform this Agreement; (ii) that this Agreement has been duly authorized by all necessary action on the part of such party; (iii) that the execution and delivery and performance by each party of this Agreement will not conflict with or result in a violation of such party's organizational documents or any judgment, order or decree of any court or arbiter to which such party is bound; and (iv) that this Agreement constitutes the valid and binding obligation of such party, and is enforceable against such party in accordance with its terms, subject to applicable bankruptcy, insolvency, reorganization, creditor's rights and other similar laws.

Section 6.9. Electronic Storage and Transactions. The parties agree that the transactions described herein may be conducted and related documents may be stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers, all as of the date first above written.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

(SEAL)

By: _____
Tyrone Garner, Mayor/CEO

ATTEST:

By: _____
Monica Sparks,
Interim Unified Government Clerk

APPROVED AS TO FORM:

By: _____
Office of Chief Counsel

MIES REAL ESTATE ~~HOLDINGS~~,6036 SPEAKER
ROAD LLC
a ~~Missouri~~Kansas limited liability company

By: _____

Name: _____

Title: _____

EXHIBIT A

APPLICATION FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS

EXHIBIT B

PROJECT SITE

This is a resurvey and replat of all that part of Lots 6, 7, and 8, HART INDUSTRIAL PARK, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, also known as TRACT 1A, as shown on the Administrative Land Division Survey recorded May 20, 2020 as Document No. 2020R-06633, and being more particularly described by Phelps Engineering, Inc., KS CLS-82, on April 23, 2024, for project 240184, as follows:

Beginning at the Southwest corner of Lot 6, of said HART INDUSTRIAL PARK; thence N 1°41'10" W, along the West line of said Lot 6, a distance of 526.94 feet, to the Northwest corner of said Lot 6; thence N 88°13'58" E, along the North line of Lots 6 and 7, of said HART INDUSTRIAL PARK, a distance of 593.43 feet, to the Northeast corner of said Lot 7; thence S 1°46'04" E, along the East line of said Lot 7, a distance of 63.24 feet; thence S 52°25'28" E, a distance of 230.90 feet; thence S 11°02'59" W, a distance of 334.25 feet, to a point on the Southerly line of Lot 8, of said HART INDUSTRIAL PARK; thence along the Southerly line of said Lots 6, 7 and 8, of said HART INDUSTRIAL PARK, for the following two (2) courses; thence Westerly on a curve to the left, said curve having an initial tangent bearing of N 8°17'06" W, a radius of 430.00 feet, and an arc distance of 86.17 feet; thence S 88°13'58" W, a distance of 613.00 feet, to the Point of Beginning, containing 371,431 square feet or 8.5269 acres, more or less, of replatted land.

[Balance of page intentionally left blank]

EXHIBIT C

TAX PAYMENT SCHEDULE

Tax Payments (or “PILOTs”) shall be as set forth below. Tax Payments shown below do not include the school district’s capital outlay levy that cannot be abated under Kansas law.

Facility Square Footage	75,000
--------------------------------	--------

Year^(a)	Annual PILOT^(b)	Annual PILOT if L/M/WBE Failure^(b)
1	\$19,367	\$29,050
2	19,754	29,631
3	50,373	60,447
4	51,380	61,656
5	104,816	162,465 <u>115,297</u>
6	106,912	117,603
7	163,576	174,481
8	166,847	177,970
9	192,875	204,221
10	196,733	208,305

Business Category	Participation Percentage Goal Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

^(a) Year 1 refers to calendar year beginning January 1 after issuance of Bonds.

^(b) Does not include school district capital outlay levy.

EXHIBIT D

LBE/MBE/WBE PARTICIPATION AGREEMENT

THIS LBE/MBE/WBE PARTICIPATION AGREEMENT (the “**Agreement**”), by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the “**UG**”) and Mies Real Estate Holdings, 6036 Speaker Road LLC (the “**Developer**”), sets forth procedures and goals for the utilization of local business, minority and women enterprises in connection with the development of an approximately 75,000 square foot manufacturing development in Kansas City, Kansas (the “**Project**”), as defined below.

I. SCOPE

A. These procedures are applicable to the Construction (as defined below) of the Project, as further described in that certain Performance Agreement between the UG and Developer, dated July 25, 2024 (the “**Performance Agreement**”), whether performed by or on behalf of Developer, including, but not limited to, all aspects of Construction of the Project and related facilities including labor, materials and supplies, and construction related services whether undertaken by or on behalf of Developer, but not including Specialized Services.

II. DEFINITIONS

A. “**Construction**” means all aspects of the construction of the Project including labor, materials and supplies, and construction related services, whether performed or contracted for by or on behalf of Developer; provided, however, “Construction” shall not include: (i) Specialized Services; and (ii) Professional Services.

B. “**Contractor**” means the Proposer selected by the Developer for the Project.

C. “**Local Business Enterprise**” (or “**LBE**”) means a business headquartered or which maintains a Substantial Local Office that performs the significant functions of the business in Wyandotte County or a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of an individual residing in Wyandotte County. There is no formal certification process for LBE designation and it is determined and assigned based upon the criteria referenced in this definition and payment of all applicable Wyandotte County taxes and/or licensing fees.

D. “**Minority Business Enterprise**” (or “**MBE**”) means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of a person who is a member of an American ethnic minority group including African-American, Asian-Indian, Asian-Pacific, Hispanic and Native American.

E. “**Professional Services**” means advisory or consulting activities including, but not limited to, architectural, engineering, legal, accounting, financial, marketing, environmental studies, and financial services contracted for by or on behalf of Developer for the design, development and construction of the Project.

F. “**Project**” means the Construction of a new industrial facility and as legally described in Exhibit 1 to this Agreement.

G. “Proposer” means a construction firm that submits a proposal in response to a solicitation for proposals issued by Developer with respect to the Construction of the Project or with respect to the annual operations of the Project.

G. “Specialized Services” means expertise, services, or products that are only available through sole source providers or national vendors or are unique to the business of the Project.

H. “Substantial Local Office” means an office operated and financially supported by a firm that has sufficient space, staff and equipment to carry on the local business of the firm and that is engaged in significant, on-going local involvement with the business community in Wyandotte County, KS. The term “Substantial Local Office” shall specifically exclude any office that has been established for the sole purpose of participating in a specific Project.

I. “Women Business Enterprise” (or “WBE”) means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of one or more women who are U.S. citizens or legal resident aliens.

III. GOALS FOR LBE/MBE/WBE PARTICIPATION.

Developer and its Contractor will use Best Efforts to meet the LBE/MBE/WBE participation percentage goals listed in the below chart based upon the total cost of the Construction of the Project. In no event shall Developer be required to incur higher costs as a result of its commitment to attempt to meet such goals. These goals are based upon a disparity study performed for the Kansas City Metropolitan Area for LBE, MBE, and WBE participation. These goals are not quotas or set asides.

Business Category	Participation Percentage Goal – Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

It is the intent of the UG to give preference to the utilization of LBEs so long as all other factors relating to the award of an individual contract are equal. If the factors relating to an award of an individual contract are equal, the Developer shall give preference to the utilization of LBEs over the utilization of MBEs and WBEs.

IV. ELIGIBILITY FOR CREDIT

A. Only LBE businesses that are qualified and/or MBE or WBE businesses that are certified or undergoing certification by the Kansas Department of Commerce, the City of Kansas City, Missouri, the State of Missouri, the Missouri Department of Transportation, the MidAmerica Minority Business Development Council, and/or the Women’s Business Enterprise National Council or any other applicable or appropriate public or private entity or other entity mutually acceptable to the UG and the Developer (each, an “approved” business) may be counted towards the participation goals in Section III above.

B. In the event that a contract has been awarded on the Project to an approved LBE, MBE, or WBE business, and such LBE, MBE or WBE business later becomes unapproved prior to the completion and acceptance of all the work to be provided under such contract, then Developer shall receive credit towards the goal for only that portion of work performed or services provided up to the point such business becomes unapproved.

V. CONSTRUCTION UTILIZATION

A. The goals set forth in Section III may be met by the expenditure of dollars with approved LBE, MBE and/or WBE businesses, contractors, labor suppliers, regular dealers, manufacturers, material suppliers, subcontractors, software vendors, consultants, other Construction-related products, suppliers, and/or services, or through joint ventures with approved LBEs, MBEs or WBEs. The participation of certified LBE, MBE and/or WBE Proposers may count toward a goal for which they qualify.

B. A joint venture involving an approved LBE, MBE, and/or WBE as a partner may be counted towards the applicable goal only to the extent of the dollar amount for which the approved LBE, MBE, and/or WBE is responsible; provided that if the LBE, MBE, and/or WBE is the majority partner in such joint venture, then the entire joint venture contract amount shall be counted, less any work subcontracted to the non LBE, MBE, and/or WBE joint venture partner. To receive credit, the approved LBE, MBE, and/or WBE must be responsible for a clearly defined portion of the work, profits, risks, assets, and liabilities of the joint venture.

C. Participation by a certified MBE owned by a minority woman may be counted as MBE participation or as WBE participation; however, this participation cannot be counted both for MBE and WBE participation. However, a certified MBE or WBE that also qualifies as an LBE may also be counted towards the LBE goal. For additional clarification purposes, a qualified LBE, which also certified as an MBE or WBE, shall be counted toward both the LBE and the MBE or WBE goals in the Developer's sole discretion.

D. The LBE, MBE, or WBE must be responsible for the execution of a distinct element of the work by actually performing, managing, or supervising its function in the work identified in the agreement with such LBE, MBE or WBE. Brokering is not credited.

VI. CONTRACT AWARD COMPLIANCE PROCEDURES

A. Solicitation Documents. The solicitation documents, for each contract for which goals are established, shall contain a description of the requirements set forth in this Agreement and the LBE, MBE, and WBE goals. Upon request by the UG, Developer shall submit the solicitation documents and the bid list to the UG.

B. Subcontractor Relations – Documentation of Subcontracting Agreements. All subcontracting services for LBE, MBE and/or WBE businesses shall be evidenced by an agreement which shall include the scope of work to be performed and the amount to be paid for performance of the work. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

C. Best Efforts. For each LBE/MBE/WBE participation percentage goal that is not achieved, Developer shall be deemed to have used “**Best Efforts**” to meet such goal(s) if Developer shall have taken substantially all of the following actions:

- i. Developer is seeking or has sought timely assistance of the UG to identify qualified LBEs, MBEs, and WBEs;
- ii. Developer is advertising or has advertised contract opportunities in local, minority, and women media;
- iii. Developer is providing or has provided reasonable written notice of opportunities and/or informational meetings to approved LBEs, MBEs, and WBEs;

- iv. Developer is following up or has followed up initial solicitations of interest by contacting LBEs, MBEs, and WBEs;
- v. Developer is segmenting or has segmented portions of the work to increase the likelihood of LBE, MBE, and WBE participation, where feasible;
- vi. Developer is or has provided interested LBEs, MBEs, and WBEs with timely and accurate information about the plans, specifications, requirements, deadlines, and bidding procedures of the contracts;
- vii. Developer is negotiating or has negotiated in good faith with interested LBEs, MBEs, and WBEs, not rejecting them as unqualified without sound reasons, based on a thorough review of their capabilities and prior work history;
- viii. Developer is seeking or has sought to educate and assist LBEs, MBEs, and WBEs in obtaining bonding, lines of credit or insurance required to perform the contract; and
- ix. Developer is working or has worked with local, minority, and women contracting, professional, civic, and community organizations, government officers and any other organization or persons, as identified by the UG, that provide assistance in the recruitment of LBEs, MBEs, and WBEs.

Failure by Developer to take all of the foregoing actions shall not be determinative that Developer has not used its Best Efforts. The parties acknowledge that all of the foregoing actions may not apply to every scope of the Project.

VII. UG'S ASSISTANCE TO PROJECT

The UG shall use its best efforts to provide assistance to Developer and its agents so that Developer may fulfill its participation goals as set forth in this Agreement. The Developer assumes all responsibility for using Best Efforts to meet the goals and complying with the procedures and processes set forth herein. Examples of such assistance by the UG include but are not limited to:

- A.** providing information and technical assistance regarding this Project to the Developer and its agents including the Contractor and any other contractors, subcontractors, LBEs, MBEs, WBEs, officials and other interested persons;
- B.** developing and maintaining a registry of approved LBE, MBE and WBE businesses;
- C.** assisting with identifying potential LBEs, MBEs, and WBEs and reviewing their qualifications to participate in the Project;
- D.** updating the Developer and its agents on current or proposed affirmative action legislation enacted by the UG that may affect the Project;
- E.** frequently reviewing Developer and the Contractor and any other contractor or subcontractor performance and LBE, MBE, and/or WBE participation on the Project;
- F.** providing advice relative to utilization and compliance matters;

- G. conducting compliance reviews and audits of LBE, MBE, and WBE and participation;
- H. assisting the Developer and its agents in addressing issues related to the goals and procedures set forth in this Agreement;
- I. reviewing complaints from LBEs, MBEs, WBEs, and any other interested persons regarding these goals and procedures with Developer and its agents; and
- J. assisting in the Developer's development of forms to document compliance with these procedures.

VIII. DEVELOPER COMPLIANCE; RECORDS AND REPORTS.

A. Records. Developer shall maintain those records as may reasonably be required to demonstrate compliance (and/or its Best Efforts to comply) with the goals and procedures set forth in this Agreement. These records shall be made available to the UG at Developer's offices during business hours and upon reasonable advance notice.

B. Construction Utilization Plan Reports. Developer shall provide the UG with information sufficient to document the participation under this Agreement, which may include periodically providing the Construction Utilization Plan as set forth on Exhibit 2. Such information may include for each LBE, MBE, or WBE whose participation is utilized by Developer to be applied to the goals set forth herein: business name and address of each LBE, MBE, and/or WBE; and a brief description of the work to be performed by each such LBE, MBE and/or WBE.

C. Remedies. If, after review of the Developer's construction and related reports by the Unified Government Contract Compliance Department, the UG determines that the participation goals contained in this Agreement for the Construction of the Project have not been met, and that the Best Efforts described herein have not been met, then the UG shall have, as its sole and exclusive remedies: such remedy as set forth in Section 3.11 of the Performance Agreement; and (ii) UG shall also have the right to renegotiate LBE, MBE, and WBE goals for future construction projects undertaken by the Company in the UG.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____
David Johnston, County Administrator

Date: _____

**MIES REAL ESTATE ~~HOLDINGS~~,6036 SPEAKER
ROAD LLC**

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT 1
Legal Description – Link

EXHIBIT 2
Construction Utilization Plan

EXHIBIT E

**A Tax Abatement Cost-Benefit Analysis of
Mies Wholesale Meats, Inc.
(With LMW)
for the Unified Government of Kansas City/Wyandotte County**

Completed by
Municipal Consulting, LLC
5/30/2024

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.
- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents an acceptable investment opportunity.
- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement

and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future performance could be substantially different.

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	4.67	37%
Wyandotte County	2.94	19%
Turner-Kansas City USD 202	6.61	56%
KC Community College	2.12	11%
Kaw Valley Drain. Dist.	3.05	14%
WYCO Library	3.09	21%
USD 202 Rec. Comm.	3.06	21%
State of Kansas	1.81	8%

Each of the taxing entities has a positive benefit-to-cost ratio in excess of the desired 1.3. This report assumes that the Unified Government will approve a variable property tax abatement for 10 years and the firm will receive a sales tax exemption on construction materials and machinery and equipment. This report assumes that the existing sales tax rates for the city, county and state will remain the same. The proposed average salary of the new jobs is below the county average wage and we adjusted retail spending estimates accordingly. A PILOT payment is included in this analysis.

If you have any questions or comments, you may reach me with the contact information below.

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
Cell: 620-704-6495 E-Mail: steverobb@ckt.net
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

COST-BENEFIT ANALYSIS PROJECT SUMMARY				
PROJECT NAME:	Mies Wholesale Meats, Inc.			(With LMW)
DATE:		05/30/24		
GOVERNMENTAL ENTITIES INVOLVED:				
CITY:		City of Kansas City		
COUNTY:		Wyandotte County		
SCHOOL DISTRICT:		Turner-Kansas City USD 202		
SPECIAL TAXING DISTRICT #1	KC Community College			
SPECIAL TAXING DISTRICT #2	Kaw Valley Drain. Dist.			
SPECIAL TAXING DISTRICT #3	WY Co Library			
SPECIAL TAXING DISTRICT #4	USD 202 Rec. Comm			
STATE:		State of Kansas		
INFLATION RATE:	2.50%			
DISCOUNT RATE	7.50%			

The project includes purchase of approximately 9 acres of land at 6036 Speaker Road, Kansas City, Kansas, (located in the Hart Industrial Park) and the construction of a 75,000 square foot facility that will serve as the new location for all services that are currently provided at the company's Missouri facility. The facility will provide for the distribution and warehousing of fresh and frozen food products and other varied services. The project will locate 51 new jobs in Kansas and is expected to create 15 new jobs within a three-year period and related purchases of new equipment.

Mies Wholesale Meats, Inc (With LMW)

Community Data Inputs:								
	City of Kansas City	Wyandotte County	Turner-Kansas City USD 202	KC Community College	Kaw Valley Drain. Dist.	WY Co Library	USD 202 Rec. Comm	State
Mill Levy	38.459533	37.313168	54.443000	26.364746	9.129000	5.444	7.000	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	n/a	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a	n/a	n/a	n/a
Enterprise Rev/HsHld	\$285.15	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Franchise Fees/HsHld	\$0.00	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Other Revenues/Res.	\$33.07	\$53.23	n/a	\$71.29	\$97.63	\$42.78	\$7.03	\$2,462.21
Marg. Cost/Res./Student	\$107.64	\$40.70	\$1,697.24	\$84.24	\$31.70	\$12.62	\$1.92	\$942.66
Other Revenues/Worker	\$30.81	\$49.59	n/a	\$66.42	\$90.96	\$39.86	\$6.55	\$2,086.08
Marginal Cost/New Worker	\$100.28	\$37.92	n/a	\$78.48	\$29.54	\$11.76	\$1.79	\$798.66
State Funding/Pupil	n/a	n/a	\$11,325.05	n/a	n/a	n/a	n/a	\$10,800
Federal Funding/Pupil	n/a	n/a	\$5,647.37	n/a	n/a	n/a	n/a	\$6,197
Visitor Daily Spending	\$75.00	\$75.00						\$75.00
Average Hotel Room Rate	\$130	\$130	Total Mill Levy:	179.653081				n/a
Retail Pull Factor	1.07	0.94						n/a
Percent of County Share	90.20%	100.00%						n/a
Ann. Local Per Capita Sales Tax	\$310	\$191						n/a
Ann. State Per Capita Sales Tax	\$926	\$948						\$1,779
Annual Per Capita Retail Sales	\$14,253	\$14,590						\$27,367
Average Household Size	2.71	2.72						2.49
Avg. Wage-All Occupations	\$63,568	\$60,109						\$56,270

Mies Wholesale Meats, Inc. (With LMW)

Firm Data Inputs:														
				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Investment in Land			\$1,450,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,450,000
Investment in Building			\$14,500,000											
Investment in M & E			\$1,500,000											
Contingencies & Soft Costs														
Total Project Investment			\$17,450,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City Incentive of Sales Tax Exemption			\$100,547	County Sales Tax Exemption: \$61,875			State sales tax exemption: \$402,188			Total Sales Tax Exemption: \$564,609				
		Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales		0.00%		\$10,000,000	\$21,000,000	\$33,000,000	\$46,000,000	\$59,000,000	\$74,000,000	\$91,000,000	\$108,000,000	\$128,000,000	\$148,000,000	\$718,000,000
Purchases		0.00%		\$311,000	\$337,000	\$363,000	\$392,000	\$424,000	\$458,000	\$495,000	\$534,000	\$577,000	\$623,000	\$4,514,000
Net Enterprise Rev - Firm		2.50%	\$0	\$26,216	\$27,003	\$27,813	\$28,647	\$29,507	\$30,392	\$31,304	\$32,243	\$33,210	\$34,206	\$300,541
Net Enterprise Rev-Employees		2.50%	\$0	\$2,908	\$3,289	\$3,691	\$4,113	\$4,236	\$4,363	\$4,494	\$4,629	\$4,768	\$4,911	\$41,404
PILOT- City			\$0	\$4,339	\$4,426	\$11,286	\$11,512	\$23,484	\$23,954	\$36,650	\$37,383	\$43,214	\$44,079	\$240,327
PILOT - County			\$0	\$4,210	\$4,294	\$10,950	\$11,169	\$22,784	\$23,240	\$35,557	\$36,268	\$41,926	\$42,765	\$233,164
PILOT - State			\$0	\$169	\$173	\$440	\$449	\$916	\$934	\$1,429	\$1,458	\$1,685	\$1,719	\$9,373
PILOT - School			\$0	\$5,854	\$5,971	\$15,227	\$15,531	\$31,683	\$32,317	\$49,445	\$50,434	\$58,302	\$59,468	\$324,231
PILOT - Comm. Coll.			\$0	\$2,975	\$3,034	\$7,737	\$7,892	\$16,099	\$16,421	\$25,124	\$25,627	\$29,624	\$30,217	\$164,749
PILOT- Drain. Dist.			\$0	\$1,030	\$1,051	\$2,679	\$2,733	\$5,574	\$5,686	\$8,699	\$8,873	\$10,258	\$10,463	\$57,046
PILOT-WYCO Lib.			\$0	\$614	\$614	\$614	\$614	\$614	\$614	\$614	\$614	\$614	\$614	\$6,142
PILOT-Rec Comm			\$0	\$790	\$790	\$790	\$790	\$790	\$790	\$790	\$790	\$790	\$790	\$7,898
New Employees				51.0	5.0	5.0	5.0	0.0	0.0	0.0	0.0	0.0	0.0	66
New to the City			20%	10.2	1.0	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	13
New to the County			40%	20.4	2.0	2.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	27
New to the State				20.4	2.0	2.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	26
New students in K-12				10.2	1.0	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	13
New employee average salary				\$58,900	\$59,600	\$60,470	\$62,280	\$64,150	\$64,500	\$65,000	\$65,500	\$66,000	\$66,500	N/A
Tax Abatement-Land				90%	90%	75%	75%	50%	50%	25%	25%	15%	15%	N/A
Tax Abatement-Bldg.				90%	90%	75%	75%	50%	50%	25%	25%	15%	15%	N/A
Visitors		0.0%	0	100	100	100	100	100	100	100	100	100	100	1,000
				City	County	State								
Percentage of sales taxable in the				0%	0%	0%								
Percentage of purchases taxable in the				75%	75%	75%								
Assumed Inflation Rate				2.50%										

COST-BENEFIT ANALYSIS PROJECT SUMMARY								
PROJECT NAME:		Mies Wholesale Meats, (With LMW)				Ratio of		
DATE:		5/30/2024				NPV of Net		
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$1,758,460	\$376,672	\$1,381,788	\$874,987	\$278,442	3.14	4.67	37%
Wyandotte County	\$1,152,414	\$391,995	\$760,420	\$483,320	\$265,141	1.82	2.94	19%
Turner-Kansas City USD 202	\$3,463,399	\$524,184	\$2,939,215	\$1,921,829	\$214,822	8.95	6.61	56%
KC Community College	\$517,828	\$244,052	\$273,776	\$173,027	\$143,623	1.20	2.12	11%
Kaw Valley Drain. Dist.	\$207,307	\$67,906	\$139,401	\$85,456	\$42,226	2.02	3.05	14%
WY Co Library	\$117,690	\$38,080	\$79,610	\$48,612	\$25,180	1.93	3.09	21%
USD 202 Rec. Comm	\$132,918	\$43,473	\$89,445	\$89,445	\$42,736	2.09	3.06	21%
State of Kansas	\$4,960,434	\$2,743,655	\$2,216,779	\$1,460,138	\$410,359	3.56	1.81	8%

SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Mies Wholesale Meats, (With LMW)

DATE: 5/30/2024

City of Kansas City

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:

4.67

Ratio of Present Value of Total Benefits to Present Value of Total Costs:

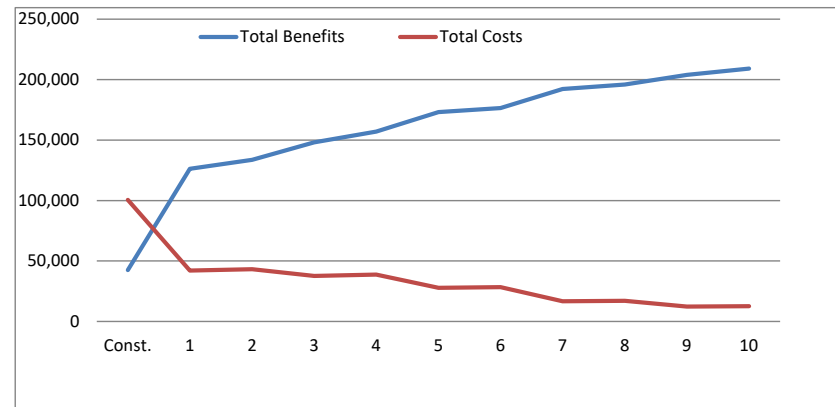
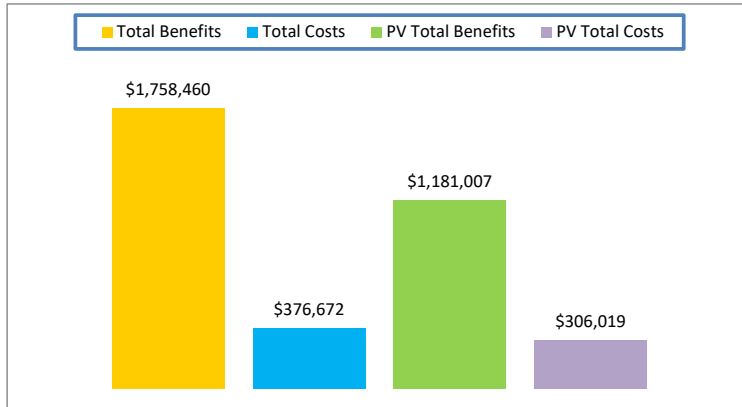
3.86

(Typical desired ratio would be 1.3 to 1)

Average ROI

36.68%

Year	Sales and Transient Guest Taxes	New Property Taxes	Enterprise Revenues	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various City Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	42,507	0	0	0	0	42,507	42,507	0	100,547	0	100,547	100,547	-58,040	-58,040	-58,040	100,547
1	48,379	43,392	29,269	4,339	913	126,292	117,481	2,973		39,053	42,026	39,094	84,266	26,226	78,387	36,328
2	53,515	44,260	30,441	4,426	1,028	133,669	115,668	3,346		39,834	43,180	37,365	90,489	116,716	78,303	34,469
3	58,901	45,145	31,656	11,286	1,148	148,136	119,244	3,736		33,859	37,594	30,262	110,542	227,257	88,982	27,255
4	65,338	46,048	32,918	11,512	1,273	157,088	117,628	4,143		34,536	38,679	28,963	118,409	345,667	88,665	25,860
5	67,538	46,969	33,905	23,484	1,305	173,201	120,644	4,247		23,484	27,731	19,316	145,470	491,136	101,328	16,358
6	68,326	47,908	34,922	23,954	1,337	176,448	114,331	4,353		23,954	28,307	18,342	148,141	639,277	95,990	15,521
7	69,293	48,866	35,970	36,650	1,371	192,150	115,820	4,462		12,217	16,678	10,053	175,472	814,750	105,767	7,364
8	70,287	49,844	37,049	37,383	1,405	195,967	109,879	4,573		12,461	17,034	9,551	178,933	993,683	100,328	6,987
9	71,330	50,841	37,049	43,214	1,440	203,874	106,337	4,687		7,626	12,313	6,423	191,561	1,185,243	99,915	3,978
10	72,410	51,857	39,305	44,079	1,476	209,128	101,468	4,805		7,779	12,583	6,105	196,545	1,381,788	95,362	3,774
Total	\$687,822	\$475,129	\$342,484	\$240,327	\$12,698	\$1,758,460	\$1,181,007	\$41,323	\$100,547	\$234,802	\$376,672	\$306,019	\$1,381,788	\$1,381,788	\$874,987	\$278,442



* The development agreement calls for 1% of the city's 1.625% sales tax and 7.84% of the transient guest tax on sales in the project area to be applied toward the project Star bonds.

SUMMARY OF COSTS AND BENEFITS FOR:

Wyandotte County

PROJECT: Mies Wholesale Meats, (With LMW)

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.94

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.69

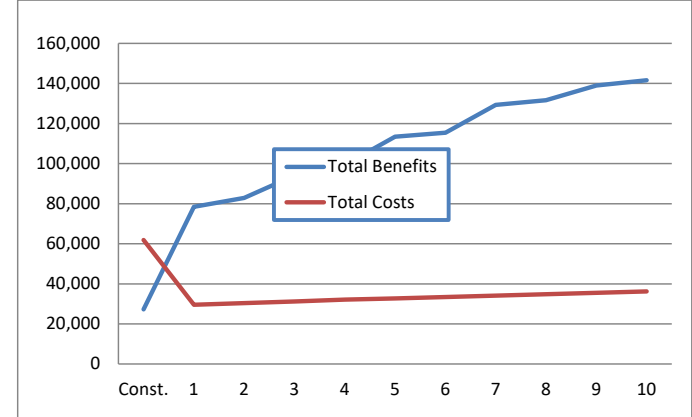
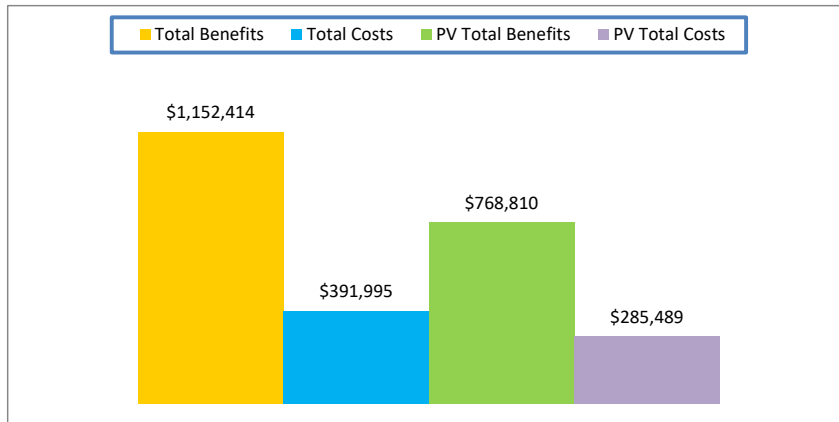
DATE: 5/30/2024

DISCOUNT RATE: 7.50%

(Typical desired ratio would be 1.3 to 1)

Average ROI 19.40%

Year	Sales Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	27,260	0	0	0	27,260	27,260	0	61,875	0	61,875	61,875	-34,615	-34,615	-34,615	61,875
1	29,222	42,099	4,210	2,869	78,399	72,929	2,194	0	27,364	29,558	27,495	48,841	14,226	45,434	25,455
2	32,377	42,940	4,294	3,229	82,840	71,684	2,469	0	27,911	30,380	26,289	52,459	66,686	45,395	24,153
3	35,685	43,799	10,950	3,605	94,039	75,698	2,756	0	28,470	31,226	25,136	62,813	129,498	50,562	22,917
4	39,642	44,675	11,169	3,998	99,484	74,494	3,057	0	29,039	32,096	24,033	67,388	196,887	50,460	21,744
5	40,982	45,569	22,784	4,098	113,433	79,013	3,133	0	29,620	32,753	22,814	80,680	277,567	56,198	20,632
6	41,451	46,480	23,240	4,200	115,371	74,756	3,212	0	30,212	33,424	21,657	81,947	359,514	53,099	19,576
7	42,029	47,410	35,557	4,305	129,301	77,937	3,292	0	30,816	34,108	20,559	95,193	454,706	57,378	18,575
8	42,623	48,358	36,268	4,413	131,662	73,823	3,374	0	31,433	34,807	19,516	96,855	551,561	54,307	17,624
9	43,246	49,325	41,926	4,523	139,021	72,511	3,459	0	32,061	35,520	18,527	103,501	655,062	53,984	16,723
10	43,893	50,312	42,765	4,636	141,606	68,706	3,545	0	32,703	36,248	17,587	105,358	760,420	51,119	15,867
Total	\$418,410	\$460,967	\$233,164	\$39,874	\$1,152,414	\$768,810	\$30,491	\$61,875	\$299,628	\$391,995	\$285,489	\$760,420	\$760,420	\$483,320	\$265,141



* The development agreement calls for 93.4368% of the county's 1% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

SUMMARY OF COSTS AND BENEFITS FOR:

Turner-Kansas City USD 202

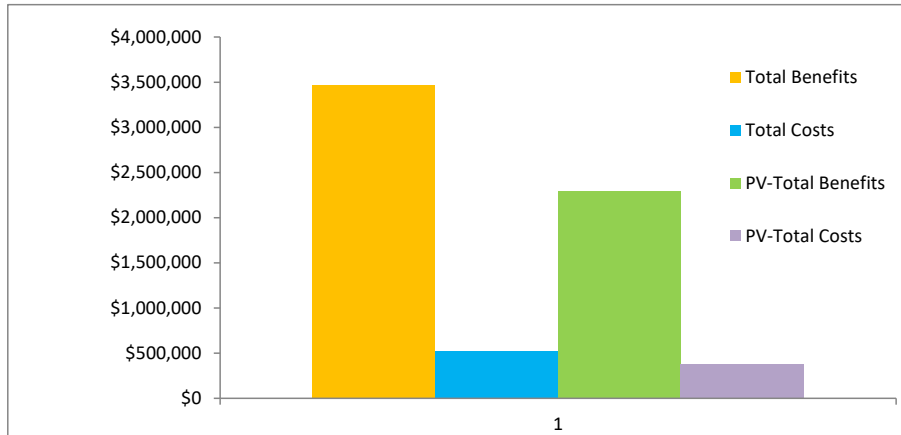
PROJECT: Mies Wholesale Meats, (With LMW)

DATE: 5/30/2024

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 6.61
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 6.12
 (Typical desired ratio would be 1.3 to 1) **Average ROI** 56.07%

Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Marginal Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	52,399	5,854	9,026	177,447	244,726	227,652	17,312	47,159	64,471	59,973	180,255	180,255	167,679	43,869
2	53,447	5,971	9,207	199,715	268,339	232,203	19,484	48,102	67,587	58,485	200,753	381,007	173,718	41,625
3	54,516	15,227	9,391	222,985	302,118	243,193	21,755	40,887	62,642	50,424	239,476	620,484	192,769	32,913
4	55,606	15,531	9,578	247,294	328,010	245,614	24,126	41,705	65,831	49,294	262,179	882,663	196,320	31,229
5	56,719	31,683	9,770	253,476	351,648	244,944	24,729	28,359	53,089	36,979	298,559	1,181,222	207,964	19,754
6	57,853	32,317	9,965	259,813	359,949	233,233	25,348	28,926	54,274	35,168	305,674	1,486,896	198,065	18,743
7	59,010	49,445	10,165	266,308	384,928	232,017	25,981	14,753	40,734	24,553	344,194	1,831,091	207,465	8,892
8	60,190	50,434	10,368	272,966	393,958	220,893	26,631	15,048	41,678	23,369	352,280	2,183,371	197,524	8,437
9	61,394	58,302	10,575	279,790	410,061	213,881	27,297	9,209	36,506	19,041	373,556	2,556,926	194,840	4,803
10	62,622	59,468	10,787	286,785	419,661	203,617	27,979	9,393	37,372	18,133	382,289	2,939,215	185,484	4,558
Total	\$573,757	\$324,231	\$98,832	\$2,466,579	\$3,463,399	\$2,297,248	\$240,642	\$283,542	\$524,184	\$375,419	\$2,939,215	\$2,939,215	\$1,921,829	\$214,822



SUMMARY OF COSTS AND BENEFITS FOR: KC Community College

PROJECT: Mies Wholesale Meats, (With LMW)

DATE: 5/30/2024

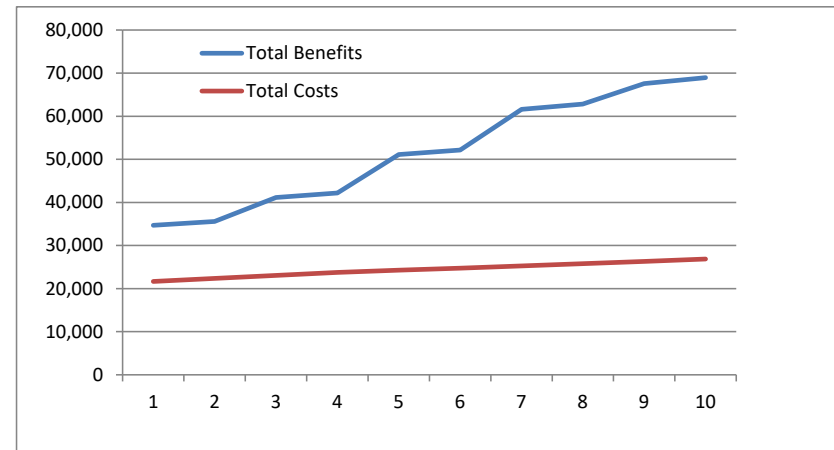
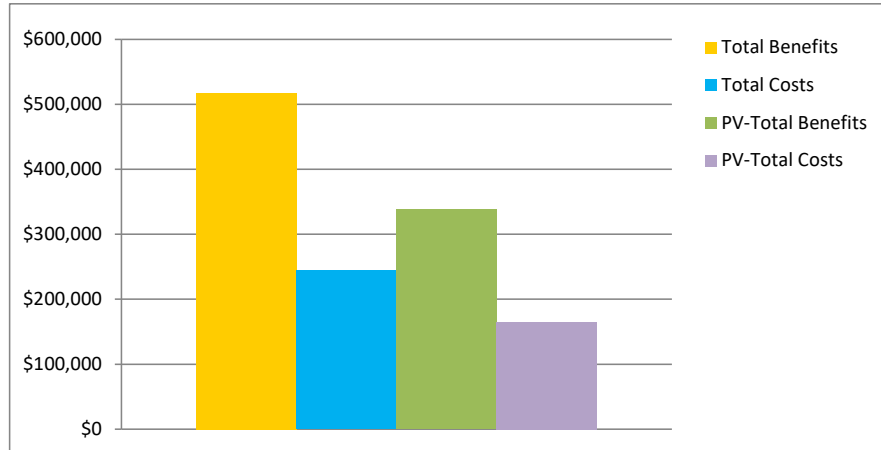
DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.12

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.05

(Typical desired ratio would be 1.3 to 1) **Average ROI** 11.22%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	29,746	2,975	1,969	34,689	32,269	2,327	19,335	21,661	20,150	13,028	13,028	12,119	17,986
2	30,341	3,034	2,216	35,591	30,798	2,619	19,722	22,340	19,332	13,251	26,279	11,466	17,066
3	30,948	7,737	2,474	41,159	33,131	2,924	20,116	23,040	18,546	18,119	44,398	14,585	16,193
4	31,567	7,892	2,744	42,202	31,601	3,242	20,518	23,761	17,792	18,442	62,840	13,809	15,364
5	32,198	16,099	2,813	51,110	35,601	3,323	20,929	24,252	16,893	26,857	89,697	18,708	14,578
6	32,842	16,421	2,883	52,146	33,788	3,406	21,347	24,754	16,039	27,392	117,089	17,749	13,832
7	33,499	25,124	2,955	61,578	37,116	3,492	21,774	25,266	15,229	36,312	153,401	21,887	13,125
8	34,169	25,627	3,029	62,824	35,226	3,579	22,210	25,789	14,460	37,035	190,437	20,766	12,453
9	34,852	29,624	3,104	67,581	35,249	3,668	22,654	26,322	13,729	41,259	231,695	21,520	11,816
10	35,549	30,217	3,182	68,948	33,453	3,760	23,107	26,867	13,036	42,081	273,776	20,417	11,211
Total	\$325,710	\$164,749	\$27,369	\$517,828	\$338,233	\$32,340	\$211,712	\$244,052	\$165,206	\$273,776	\$273,776	\$173,027	\$143,623



SUMMARY OF COSTS AND BENEFITS FOR:

Kaw Valley Drain. Dist.

PROJECT: Mies Wholesale Meats, (With LMW)

DATE: 5/30/2024

DISCOUNT RATE: 7.50%

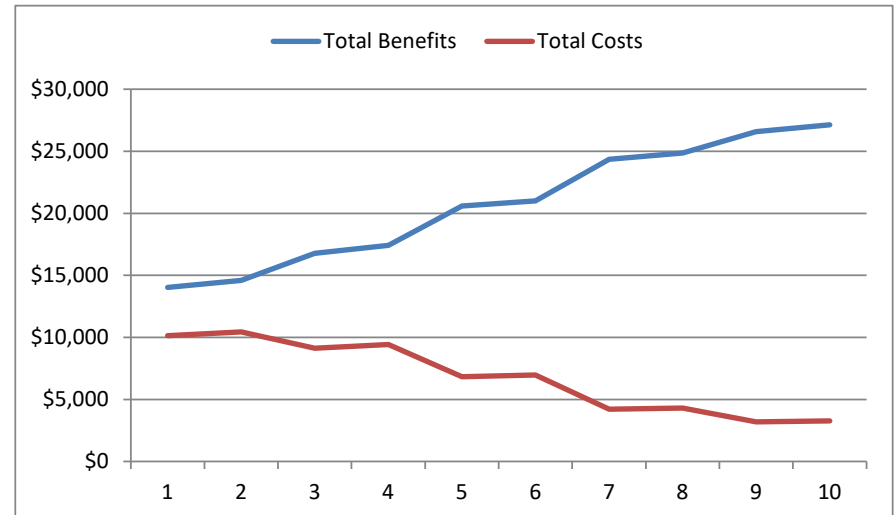
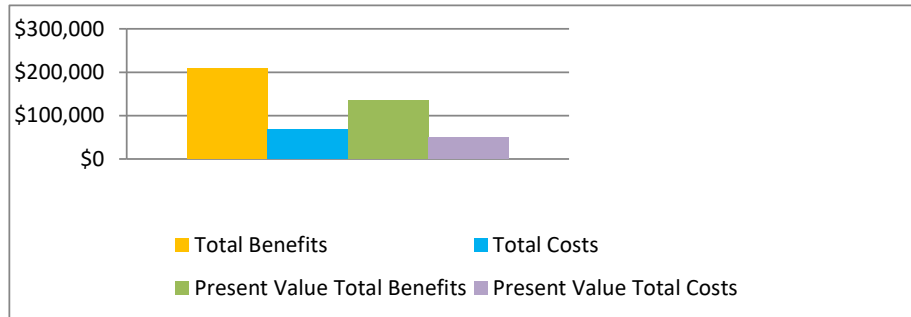
Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 3.05

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.70

(Typical desired ratio would be 1.3 to 1)

Average ROI 13.69%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$10,300	\$1,030	\$2,696	\$14,026	\$13,048	\$876	\$9,270	\$10,145	\$9,438	\$3,881	\$3,881	\$3,610	\$8,623
2	\$10,506	\$1,051	\$3,035	\$14,591	\$12,626	\$986	\$9,455	\$10,441	\$9,035	\$4,150	\$8,031	\$3,592	\$8,182
3	\$10,716	\$2,679	\$3,388	\$16,783	\$13,510	\$1,100	\$8,037	\$9,137	\$7,355	\$7,646	\$15,677	\$6,155	\$6,469
4	\$10,930	\$2,733	\$3,758	\$17,421	\$13,045	\$1,220	\$8,198	\$9,418	\$7,052	\$8,003	\$23,680	\$5,992	\$6,138
5	\$11,149	\$5,574	\$3,852	\$20,575	\$14,332	\$1,251	\$5,574	\$6,825	\$4,754	\$13,750	\$37,430	\$9,578	\$3,883
6	\$11,372	\$5,686	\$3,948	\$21,006	\$13,611	\$1,282	\$5,686	\$6,968	\$4,515	\$14,038	\$51,467	\$9,096	\$3,684
7	\$11,599	\$8,699	\$4,047	\$24,345	\$14,674	\$1,314	\$2,900	\$4,214	\$2,540	\$20,131	\$71,599	\$12,134	\$1,748
8	\$11,831	\$8,873	\$4,148	\$24,853	\$13,935	\$1,347	\$2,958	\$4,305	\$2,414	\$20,548	\$92,147	\$11,521	\$1,658
9	\$12,068	\$10,258	\$4,252	\$26,577	\$13,862	\$1,381	\$1,810	\$3,191	\$1,664	\$23,386	\$115,533	\$12,198	\$944
10	\$12,309	\$10,463	\$4,358	\$27,130	\$13,163	\$1,415	\$1,846	\$3,262	\$1,582	\$23,868	\$139,401	\$11,581	\$896
Total	\$112,780	\$57,046	\$37,482	\$207,307	\$135,806	\$12,172	\$55,734	\$67,906	\$50,349	\$139,401	\$139,401	\$85,456	\$42,226



SUMMARY OF COSTS AND BENEFITS FOR: WY Co Library

PROJECT: Mies Wholesale Meats, Inc.

DATE: 5/30/2024

DISCOUNT RATE: 7.50%

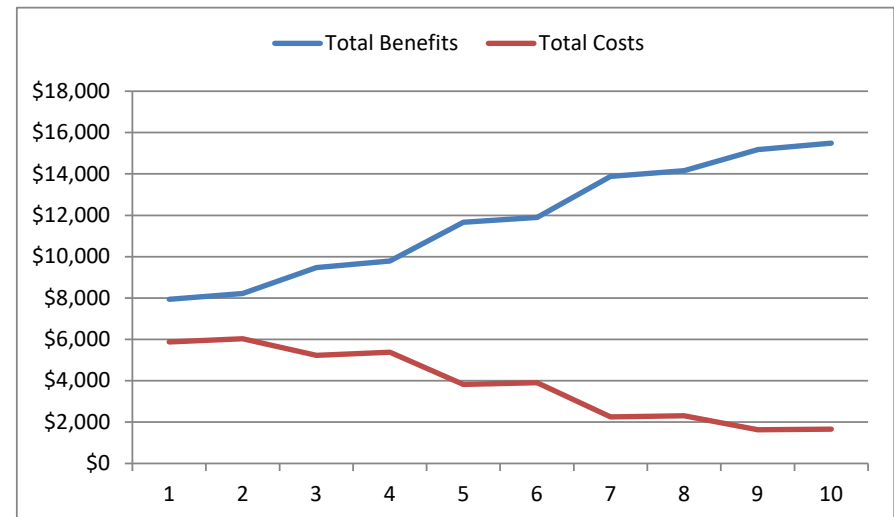
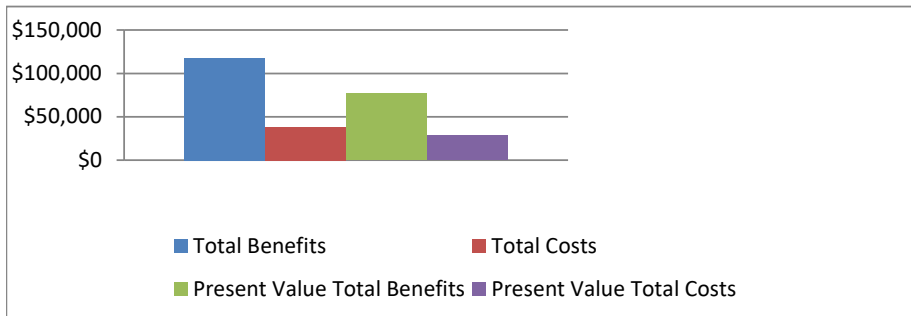
Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 3.09

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.71

(Typical desired ratio would be 1.3 to 1)

Average ROI 20.91%

Year	District Property Taxes	District PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$6,142	\$614	\$1,181	\$7,937	\$7,384	\$349	\$5,528	\$5,876	\$5,466	\$2,061	\$2,061	\$1,917	\$5,142
2	\$6,265	\$626	\$1,330	\$8,221	\$7,114	\$392	\$5,638	\$6,031	\$5,218	\$2,190	\$4,251	\$1,895	\$4,879
3	\$6,390	\$1,597	\$1,485	\$9,472	\$7,625	\$438	\$4,792	\$5,231	\$4,210	\$4,242	\$8,493	\$3,414	\$3,858
4	\$6,518	\$1,629	\$1,647	\$9,794	\$7,333	\$486	\$4,888	\$5,374	\$4,024	\$4,420	\$12,912	\$3,309	\$3,660
5	\$6,648	\$3,324	\$1,688	\$11,660	\$8,122	\$498	\$3,324	\$3,822	\$2,662	\$7,838	\$20,750	\$5,459	\$2,315
6	\$6,781	\$3,391	\$1,730	\$11,901	\$7,712	\$510	\$3,391	\$3,901	\$2,528	\$8,000	\$28,751	\$5,184	\$2,197
7	\$6,917	\$5,187	\$1,773	\$13,877	\$8,365	\$523	\$1,729	\$2,252	\$1,358	\$11,625	\$40,376	\$7,007	\$1,042
8	\$7,055	\$5,291	\$1,817	\$14,164	\$7,942	\$536	\$1,764	\$2,300	\$1,290	\$11,864	\$52,239	\$6,652	\$989
9	\$7,196	\$6,117	\$1,863	\$15,176	\$7,915	\$550	\$1,079	\$1,629	\$850	\$13,546	\$65,786	\$7,066	\$563
10	\$7,340	\$6,239	\$1,909	\$15,488	\$7,515	\$563	\$1,101	\$1,664	\$808	\$13,824	\$79,610	\$6,707	\$534
Total	\$67,251	\$34,016	\$16,423	\$117,690	\$77,025	\$4,846	\$33,234	\$38,080	\$28,414	\$79,610	\$79,610	\$48,612	\$25,180



SUMMARY OF COSTS AND BENEFITS FOR: USD 202 Rec. Comm

PROJECT: Mies Wholesale Meats, Inc.

DATE: 5/30/2024

DISCOUNT RATE: 0.00%

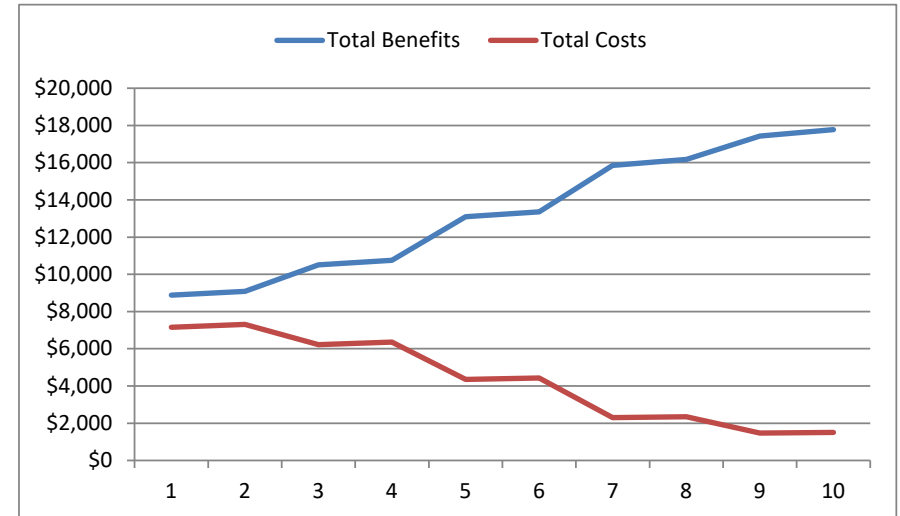
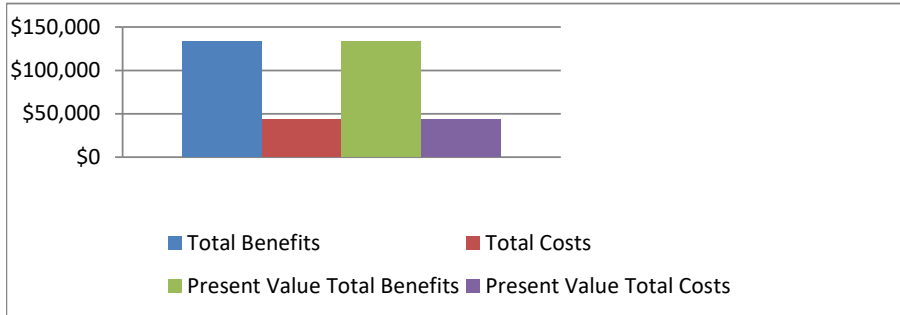
Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 3.06

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 3.06

(Typical desired ratio would be 1.3 to 1)

Average ROI 20.57%

Year	District Property Taxes	District PILOT Payment	Other District Revenues	Total Benefits	Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Present Value of Net Benefits	Present Value of Taxes Abated
1	\$7,898	\$790	\$194	\$8,882	\$8,882	\$53	\$7,108	\$7,161	\$7,161	\$1,721	\$1,721	\$1,721	\$7,108
2	\$8,056	\$806	\$218	\$9,080	\$9,080	\$60	\$7,250	\$7,310	\$7,310	\$1,770	\$3,491	\$1,770	\$7,250
3	\$8,217	\$2,054	\$244	\$10,515	\$10,515	\$67	\$6,163	\$6,229	\$6,229	\$4,286	\$7,776	\$4,286	\$6,163
4	\$8,381	\$2,095	\$271	\$10,747	\$10,747	\$74	\$6,286	\$6,360	\$6,360	\$4,387	\$12,163	\$4,387	\$6,286
5	\$8,549	\$4,274	\$277	\$13,100	\$13,100	\$76	\$4,274	\$4,350	\$4,350	\$8,750	\$20,914	\$8,750	\$4,274
6	\$8,720	\$4,360	\$284	\$13,364	\$13,364	\$78	\$4,360	\$4,437	\$4,437	\$8,926	\$29,840	\$8,926	\$4,360
7	\$8,894	\$6,671	\$291	\$15,856	\$15,856	\$80	\$2,224	\$2,303	\$2,303	\$13,553	\$43,393	\$13,553	\$2,224
8	\$9,072	\$6,804	\$299	\$16,175	\$16,175	\$82	\$2,268	\$2,350	\$2,350	\$13,825	\$57,218	\$13,825	\$2,268
9	\$9,253	\$7,865	\$306	\$17,425	\$17,425	\$84	\$1,388	\$1,472	\$1,472	\$15,953	\$73,171	\$15,953	\$1,388
10	\$9,439	\$8,023	\$314	\$17,775	\$17,775	\$86	\$1,416	\$1,501	\$1,501	\$16,274	\$89,445	\$16,274	\$1,416
Total	\$86,478	\$43,742	\$2,698	\$132,918	\$132,918	\$737	\$42,736	\$43,473	\$43,473	\$89,445	\$89,445	\$89,445	\$42,736



SUMMARY OF COSTS AND BENEFITS FOR:

State of Kansas

PROJECT: Mies Wholesale Meats, Inc. (With LMW)

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.81

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 1.74

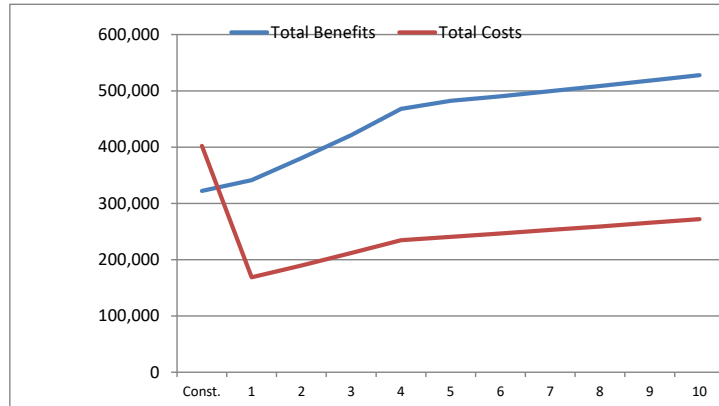
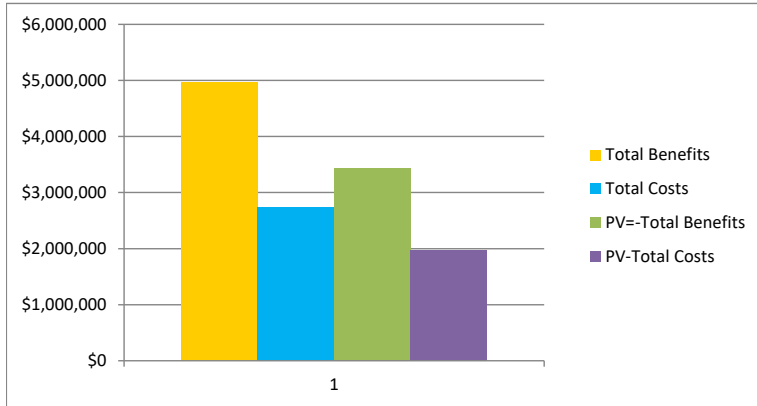
DATE: 5/30/2024

DISCOUNT RATE: 7.50%

(Typical desired ratio would be 1.3 to 1)

Average ROI 8.08%

Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Property Taxes Abated	Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	177,190	\$0	145,000	0	0	322,190	322,190	0	\$0	\$0	\$402,188	402,188	402,188	-79,998	-79,998	-79,998	402,188
1	145,830	\$1,692	63,082	169	130,595	341,368	317,552	49,176	118,403	\$1,100	0	168,680	156,911	172,689	92,691	160,641	1,023
2	161,436	\$1,726	70,090	173	146,983	380,407	329,179	55,347	133,262	\$1,122	0	189,731	164,181	190,676	283,367	164,998	971
3	177,786	\$1,761	77,462	440	164,109	421,559	339,338	61,796	148,789	\$1,144	0	211,730	170,434	209,829	493,196	168,904	921
4	197,313	\$1,796	86,320	449	182,000	467,878	350,347	68,533	165,010	\$1,167	0	234,710	175,751	233,168	726,364	174,596	874
5	204,213	\$1,832	88,912	916	186,550	482,422	336,035	70,246	169,135	\$1,191	0	240,572	167,573	241,850	968,215	168,463	829
6	206,916	\$1,869	89,397	934	191,214	490,330	317,715	72,003	173,363	\$1,215	0	246,580	159,775	243,749	1,211,964	157,940	787
7	210,191	\$1,906	90,090	1,429	195,994	499,610	301,143	73,803	177,697	\$1,239	0	252,739	152,340	246,872	1,458,835	148,803	747
8	213,565	\$1,944	90,783	1,458	200,894	508,644	285,198	75,648	182,140	\$1,264	0	259,051	145,251	249,593	1,708,428	139,947	709
9	217,135	\$1,983	91,476	1,685	205,916	518,196	270,282	77,539	186,693	\$1,289	0	265,521	138,491	252,675	1,961,103	131,791	672
10	220,853	\$2,023	92,169	1,719	211,064	527,828	256,099	79,477	191,361	\$1,315	0	272,153	132,047	255,676	2,216,779	124,052	638
Total	\$2,132,428	\$18,531	\$984,781	\$9,373	\$1,815,320	\$4,960,434	\$3,425,079	\$683,568	\$1,645,854	\$12,045	\$402,188	\$2,743,655	\$1,964,940	\$2,216,779	\$2,216,779	\$1,460,138	\$410,359



* The development agreement calls for 100% of the state's 6.5% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

Mies Wholesale Meats, Inc. (With LMW)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	51	66
Construction jobs created	126	0
Number of New Residents in the Community	28	36
Number of Additional Students in the Local School District	10	13
Increase in Local Personal Incomes	\$3,003,900	\$39,989,550
Increase in Local Retail Sales	\$11,033,839	\$758,012,391
Increase in the Community's Property Tax Base	\$4,512,992	\$5,393,443
Estimated Property Tax Revenue after the abatement period ends:		
	City	\$52,894
	County	\$51,318
	School	\$71,361
	Comm. Coll.	\$36,260
	Drain. Dist.	\$13,063
	WYCO Library	\$7,487
	Rec. Comm.	\$9,627
	State	\$2,063
	Total	\$244,073

Mies Wholesale Meats, Inc.

(With LMW)

Overall Cost-Benefit Summary

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS		INDIRECT COSTS	TOTAL COSTS	NET BENEFITS
	Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				Property Taxes Abated	Cost of Educating New Students	ALL INDIRECT COSTS		
City of Kansas City	687,822	240,327	475,129			342,484	1,745,762	12,698	1,758,460	234,802	0	41,323	276,125	1,482,335
Wyandotte County	418,410	233,164	460,967				1,112,541	39,874	1,152,414	299,628	0	30,491	330,120	822,295
Turner-Kansas City USD 202		324,231	672,589	2,466,579			3,463,399		3,463,399	283,542	240,642	0	524,184	2,939,215
KC Community College		164,749	325,710				490,459	27,369	517,828	211,712	0	32,340	244,052	273,776
Kaw Valley Drain. Dist.		57,046	112,780				169,825	37,482	207,307	55,734		12,172	67,906	139,401
WYCO Library		34,016	67,251				101,267	16,423	117,690	33,234		4,846	38,080	79,610
USD 202 Rec. Comm.		43,742	86,478				130,220	2,698	132,918	42,736		737	43,473	89,445
State of Kansas	2,132,428	9,373	18,531	0	984,781		3,145,113	1,815,320	4,960,434	12,045	1,645,854	683,568	2,341,467	2,618,966
TOTALS	\$3,238,660	\$1,106,649	\$2,219,434	\$2,466,579	\$984,781	\$342,484	\$10,358,587	\$1,951,863	\$12,310,451	\$1,173,433	\$1,886,496	\$805,477	\$3,865,407	\$8,445,044

**A Tax Abatement Cost-Benefit Analysis of
Mies Wholesale Meats, Inc.
(Without LMW)
for the Unified Government of Kansas City/Wyandotte County**

Completed by
Municipal Consulting, LLC
6/17/2024

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.
- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents an acceptable investment opportunity.
- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement

and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future performance could be substantially different.

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	4.73	37%
Wyandotte County	3.00	20%
Turner-Kansas City USD 202	6.67	57%
KC Community College	2.19	12%
Kaw Valley Drain. Dist.	3.14	14%
WYCO Library	3.18	22%
USD 202 Rec. Comm.	3.16	22%
State of Kansas	1.81	8%

Each of the taxing entities has a positive benefit-to-cost ratio in excess of the desired 1.3. This report assumes that the Unified Government will approve a variable property tax abatement for 10 years and the firm will receive a sales tax exemption on construction materials and machinery and equipment. This report assumes that the existing sales tax rates for the city, county and state will remain the same. The proposed average salary of the new jobs is below the county average wage and we adjusted retail spending estimates accordingly. A PILOT payment is included in this analysis.

If you have any questions or comments, you may reach me with the contact information below.

Steve Robb

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
Cell: 620-704-6495 E-Mail: steverobb@ckt.net
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

COST-BENEFIT ANALYSIS PROJECT SUMMARY				
PROJECT NAME:		Mies Wholesale Meats, Inc.		(Without LMW)
DATE:			06/17/24	
GOVERNMENTAL ENTITIES INVOLVED:				
CITY:			City of Kansas City	
COUNTY:			Wyandotte County	
SCHOOL DISTRICT:			Turner-Kansas City USD 202	
SPECIAL TAXING DISTRICT #1			KC Community College	
SPECIAL TAXING DISTRICT #2			Kaw Valley Drain. Dist.	
SPECIAL TAXING DISTRICT #3			WY Co Library	
SPECIAL TAXING DISTRICT #4			USD 202 Rec. Comm	
STATE:			State of Kansas	
INFLATION RATE:		2.50%		
DISCOUNT RATE		7.50%		

The project includes purchase of approximately 9 acres of land at 6036 Speaker Road, Kansas City, Kansas, (located in the Hart Industrial Park) and the construction of a 75,000 square foot facility that will serve as the new location for all services that are currently provided at the company's Missouri facility. The facility will provide for the distribution and warehousing of fresh and frozen food products and other varied services. The project will locate 51 new jobs in Kansas and is expected to create 15 new jobs within a three-year period and related purchases of new equipment.

Mies Wholesale Meats, Inc (Without LMW)

Community Data Inputs:

	City of Kansas City	Wyandotte County	Turner-Kansas City USD 202	KC Community College	Kaw Valley Drain. Dist.	WY Co Library	USD 202 Rec. Comm	State	
Mill Levy	38.459533	37.313168	54.443000	26.364746	9.129000	5.444	7.000	1.500	
Sales Tax	1.625%	1.000%	n/a	n/a	n/a	n/a	n/a	6.50%	
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a	n/a	n/a	n/a	
Enterprise Rev/HsHld	\$285.15	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Franchise Fees/HsHld	\$0.00	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Other Revenues/Res.	\$33.07	\$53.23	n/a	\$71.29	\$97.63	\$42.78	\$7.03	\$2,462.21	
Marg. Cost/Res./Student	\$107.64	\$40.70	\$1,697.24	\$84.24	\$31.70	\$12.62	\$1.92	\$942.66	
Other Revenues/Worker	\$30.81	\$49.59	n/a	\$66.42	\$90.96	\$39.86	\$6.55	\$2,086.08	
Marginal Cost/New Worker	\$100.28	\$37.92	n/a	\$78.48	\$29.54	\$11.76	\$1.79	\$798.66	
State Funding/Pupil	n/a	n/a	\$11,325.05	n/a	n/a	n/a	n/a	\$10,800	
Federal Funding/Pupil	n/a	n/a	\$5,647.37	n/a	n/a	n/a	n/a	\$6,197	
Visitor Daily Spending	\$75.00	\$75.00							\$75.00
Average Hotel Room Rate	\$130	\$130	Total Mill Levy:	179.653081					n/a
Retail Pull Factor	1.07	0.94							n/a
Percent of County Share	90.20%	100.00%							n/a
Ann. Local Per Capita Sales Tax	\$310	\$191							n/a
Ann. State Per Capita Sales Tax	\$926	\$948							\$1,779
Annual Per Capita Retail Sales	\$14,253	\$14,590							\$27,367
Average Household Size	2.71	2.72							2.49
Avg. Wage-All Occupations	\$63,568	\$60,109							\$56,270

Mies Wholesale Meats, Inc. (Without LMW)

Firm Data Inputs:														
				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Investment in Land			\$1,450,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,450,000
Investment in Building			\$14,500,000											
Investment in M & E			\$1,500,000											
Contingencies & Soft Costs														
Total Project Investment			\$17,450,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City Incentive of Sales Tax Exemption			\$100,547	County Sales Tax Exemption: \$61,875			State sales tax exemption: \$402,188			Total Sales Tax Exemption: \$564,609				
		Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales		0.00%		\$10,000,000	\$21,000,000	\$33,000,000	\$46,000,000	\$59,000,000	\$74,000,000	\$91,000,000	\$108,000,000	\$128,000,000	\$148,000,000	\$718,000,000
Purchases		0.00%		\$311,000	\$337,000	\$363,000	\$392,000	\$424,000	\$458,000	\$495,000	\$534,000	\$577,000	\$623,000	\$4,514,000
Net Enterprise Rev - Firm		2.50%	\$0	\$26,216	\$27,003	\$27,813	\$28,647	\$29,507	\$30,392	\$31,304	\$32,243	\$33,210	\$34,206	\$300,541
Net Enterprise Rev-Employees		2.50%	\$0	\$2,908	\$3,289	\$3,691	\$4,113	\$4,236	\$4,363	\$4,494	\$4,629	\$4,768	\$4,911	\$41,404
PILOT- City			\$0	\$6,509	\$6,639	\$13,543	\$13,814	\$25,833	\$26,349	\$39,093	\$39,875	\$45,757	\$46,672	\$264,084
PILOT - County			\$0	\$6,315	\$6,441	\$13,140	\$13,403	\$25,063	\$25,564	\$37,928	\$38,686	\$44,393	\$45,280	\$256,212
PILOT - State			\$0	\$254	\$259	\$528	\$539	\$1,008	\$1,028	\$1,525	\$1,555	\$1,785	\$1,820	\$10,300
PILOT - School			\$0	\$8,781	\$8,957	\$18,272	\$18,637	\$34,852	\$35,549	\$52,741	\$53,796	\$61,731	\$62,966	\$356,281
PILOT - Comm. Coll.			\$0	\$4,462	\$4,551	\$9,284	\$9,470	\$17,709	\$18,063	\$26,799	\$27,335	\$31,367	\$31,994	\$181,034
PILOT- Drain. Dist.			\$0	\$1,545	\$1,576	\$3,215	\$3,279	\$6,132	\$6,254	\$9,279	\$9,465	\$10,861	\$11,078	\$62,685
PILOT-WYCO Lib.			\$0	\$921	\$921	\$921	\$921	\$921	\$921	\$921	\$921	\$921	\$921	\$9,213
PILOT-Rec Comm			\$0	\$1,185	\$1,185	\$1,185	\$1,185	\$1,185	\$1,185	\$1,185	\$1,185	\$1,185	\$1,185	\$11,847
New Employees				51.0	5.0	5.0	5.0	0.0	0.0	0.0	0.0	0.0	0.0	66
New to the City				20%	10.2	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	13
New to the County				40%	20.4	2.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	27
New to the State					20.4	2.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	26
New students in K-12					10.2	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	13
New employee average salary				\$58,900	\$59,600	\$60,470	\$62,280	\$64,150	\$64,500	\$65,000	\$65,500	\$66,000	\$66,500	N/A
Tax Abatement-Land				90%	90%	75%	75%	50%	50%	25%	25%	15%	15%	N/A
Tax Abatement-Bldg.				90%	90%	75%	75%	50%	50%	25%	25%	15%	15%	N/A
Visitors		0.0%	0	100	100	100	100	100	100	100	100	100	100	1,000
				City	County	State								
Percentage of sales taxable in the				0%	0%	0%								
Percentage of purchases taxable in the				75%	75%	75%								
Assumed Inflation Rate				2.50%										

COST-BENEFIT ANALYSIS PROJECT SUMMARY								
PROJECT NAME:	Mies Wholesale Meats, Inc.			0		Ratio of		
DATE:		6/17/2024				NPV of Net		
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$1,782,216	\$376,672	\$1,405,544	\$891,103	\$278,442	3.20	4.73	37%
Wyandotte County	\$1,175,462	\$391,995	\$783,468	\$498,956	\$265,141	1.88	3.00	20%
Turner-Kansas City USD 202	\$3,495,449	\$524,184	\$2,971,265	\$1,943,571	\$214,822	9.05	6.67	57%
KC Community College	\$534,113	\$244,052	\$290,061	\$184,075	\$143,623	1.28	2.19	12%
Kaw Valley Drain. Dist.	\$212,946	\$67,906	\$145,040	\$89,282	\$42,226	2.11	3.14	14%
WY Co Library	\$121,053	\$38,080	\$82,972	\$50,893	\$25,180	2.02	3.18	22%
USD 202 Rec. Comm	\$137,242	\$43,473	\$93,769	\$93,769	\$42,736	2.19	3.16	22%
State of Kansas	\$4,961,360	\$2,743,655	\$2,217,705	\$1,460,767	\$410,359	3.56	1.81	8%

SUMMARY OF COSTS AND BENEFITS FOR:

City of Kansas City

PROJECT: Mies Wholesale Meats, (Without LMW)

DATE: 6/17/2024

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:

4.73

Ratio of Present Value of Total Benefits to Present Value of Total Costs:

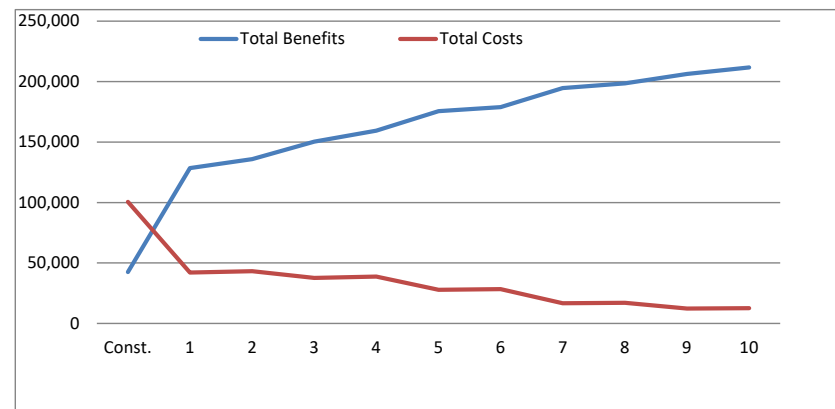
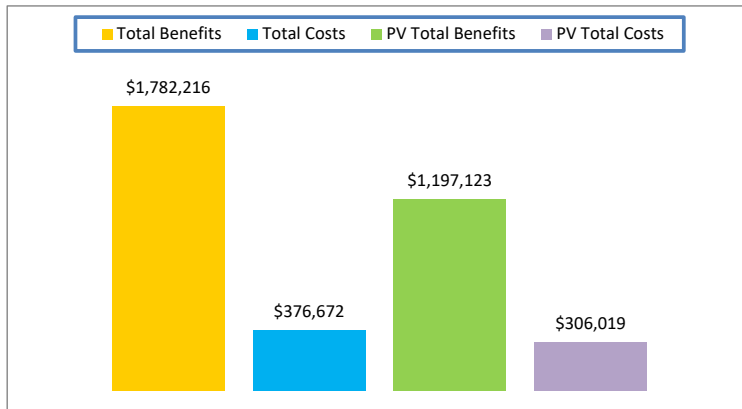
3.91

(Typical desired ratio would be 1.3 to 1)

Average ROI

37.31%

Year	Sales and Transient Guest Taxes	New Property Taxes	Enterprise Revenues	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various City Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	42,507	0	0	0	0	42,507	42,507	0	100,547	0	100,547	100,547	-58,040	-58,040	-58,040	100,547
1	48,379	43,392	29,269	6,509	913	128,461	119,499	2,973		39,053	42,026	39,094	86,436	28,396	80,406	36,328
2	53,515	44,260	30,441	6,639	1,028	135,882	117,583	3,346		39,834	43,180	37,365	92,702	121,098	80,218	34,469
3	58,901	45,145	31,656	13,543	1,148	150,393	121,061	3,736		33,859	37,594	30,262	112,799	233,897	90,799	27,255
4	65,338	46,048	32,918	13,814	1,273	159,390	119,352	4,143		34,536	38,679	28,963	120,711	354,609	90,389	25,860
5	67,538	46,969	33,905	25,833	1,305	175,549	122,280	4,247		23,484	27,731	19,316	147,818	502,427	102,964	16,358
6	68,326	47,908	34,922	26,349	1,337	178,843	115,883	4,353		23,954	28,307	18,342	150,536	652,963	97,542	15,521
7	69,293	48,866	35,970	39,093	1,371	194,594	117,292	4,462		12,217	16,678	10,053	177,916	830,879	107,240	7,364
8	70,287	49,844	37,049	39,875	1,405	198,459	111,277	4,573		12,461	17,034	9,551	181,425	1,012,304	101,726	6,987
9	71,330	50,841	37,049	45,757	1,440	206,416	107,663	4,687		7,626	12,313	6,423	194,103	1,206,407	101,241	3,978
10	72,410	51,857	39,305	46,672	1,476	211,721	102,726	4,805		7,779	12,583	6,105	199,138	1,405,544	96,620	3,774
Total	\$687,822	\$475,129	\$342,484	\$264,084	\$12,698	\$1,782,216	\$1,197,123	\$41,323	\$100,547	\$234,802	\$376,672	\$306,019	\$1,405,544	\$1,405,544	\$891,103	\$278,442



* The development agreement calls for 1% of the city's 1.625% sales tax and 7.84% of the transient guest tax on sales in the project area to be applied toward the project Star bonds.

SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Mies Wholesale Meats, Inc.

DATE: 6/17/2024

Wyandotte County

(Without LMW)

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:

3.00

Ratio of Present Value of Total Benefits to Present Value of Total Costs:

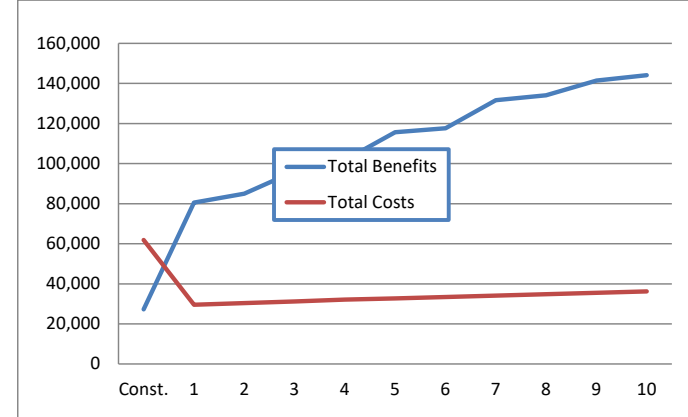
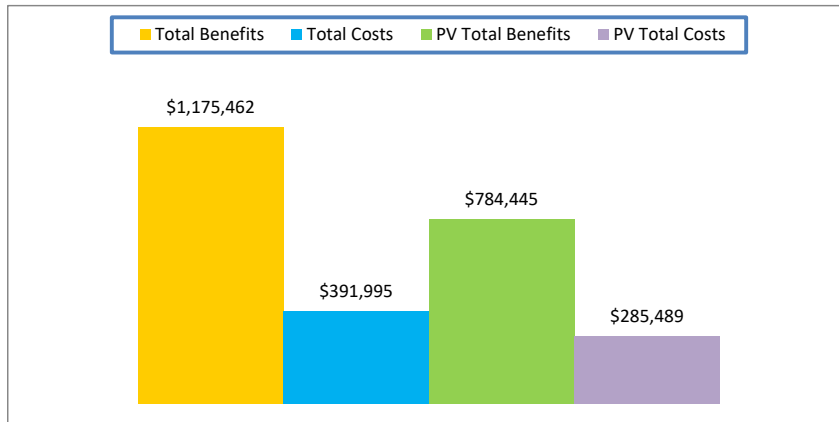
2.75

(Typical desired ratio would be 1.3 to 1)

Average ROI

19.99%

Year	Sales Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	27,260	0	0	0	27,260	27,260	0	61,875	0	61,875	61,875	-34,615	-34,615	-34,615	61,875
1	29,222	42,099	6,315	2,869	80,504	74,887	2,194	0	27,364	29,558	27,495	50,946	16,331	47,392	25,455
2	32,377	42,940	6,441	3,229	84,987	73,542	2,469	0	27,911	30,380	26,289	54,606	70,937	47,253	24,153
3	35,685	43,799	13,140	3,605	96,229	77,460	2,756	0	28,470	31,226	25,136	65,003	135,940	52,325	22,917
4	39,642	44,675	13,403	3,998	101,718	76,166	3,057	0	29,039	32,096	24,033	69,622	205,562	52,133	21,744
5	40,982	45,569	25,063	4,098	115,712	80,600	3,133	0	29,620	32,753	22,814	82,959	288,520	57,785	20,632
6	41,451	46,480	25,564	4,200	117,695	76,262	3,212	0	30,212	33,424	21,657	84,271	372,791	54,604	19,576
7	42,029	47,410	37,928	4,305	131,672	79,366	3,292	0	30,816	34,108	20,559	97,563	470,355	58,807	18,575
8	42,623	48,358	38,686	4,413	134,080	75,179	3,374	0	31,433	34,807	19,516	99,273	569,627	55,662	17,624
9	43,246	49,325	44,393	4,523	141,487	73,797	3,459	0	32,061	35,520	18,527	105,967	675,594	55,271	16,723
10	43,893	50,312	45,280	4,636	144,121	69,927	3,545	0	32,703	36,248	17,587	107,873	783,468	52,340	15,867
Total	\$418,410	\$460,967	\$256,212	\$39,874	\$1,175,462	\$784,445	\$30,491	\$61,875	\$299,628	\$391,995	\$285,489	\$783,468	\$783,468	\$498,956	\$265,141



* The development agreement calls for 93.4368% of the county's 1% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Mies Wholesale Meats, Inc.

DATE: 6/17/2024

Turner-Kansas City USD 202

(Without LMW)

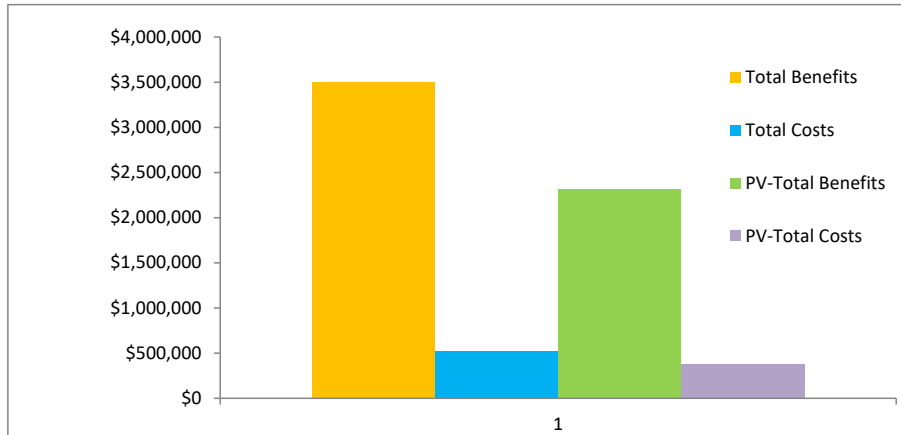
DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 6.67

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 6.18

(Typical desired ratio would be 1.3 to 1) **Average ROI** 56.68%

Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Marginal Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	52,399	8,781	9,026	177,447	247,653	230,375	17,312	47,159	64,471	59,973	183,182	183,182	170,402	43,869
2	53,447	8,957	9,207	199,715	271,325	234,786	19,484	48,102	67,587	58,485	203,738	386,920	176,301	41,625
3	54,516	18,272	9,391	222,985	305,163	245,644	21,755	40,887	62,642	50,424	242,522	629,442	195,220	32,913
4	55,606	18,637	9,578	247,294	331,116	247,940	24,126	41,705	65,831	49,294	265,285	894,726	198,645	31,229
5	56,719	34,852	9,770	253,476	354,816	247,150	24,729	28,359	53,089	36,979	301,728	1,196,454	210,171	19,754
6	57,853	35,549	9,965	259,813	363,180	235,327	25,348	28,926	54,274	35,168	308,906	1,505,360	200,159	18,743
7	59,010	52,741	10,165	266,308	388,225	234,004	25,981	14,753	40,734	24,553	347,491	1,852,851	209,452	8,892
8	60,190	53,796	10,368	272,966	397,320	222,778	26,631	15,048	41,678	23,369	355,642	2,208,493	199,409	8,437
9	61,394	61,731	10,575	279,790	413,491	215,670	27,297	9,209	36,506	19,041	376,985	2,585,478	196,629	4,803
10	62,622	62,966	10,787	286,785	423,160	205,314	27,979	9,393	37,372	18,133	385,787	2,971,265	187,182	4,558
Total	\$573,757	\$356,281	\$98,832	\$2,466,579	\$3,495,449	\$2,318,990	\$240,642	\$283,542	\$524,184	\$375,419	\$2,971,265	\$2,971,265	\$1,943,571	\$214,822



SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Mies Wholesale Meats, Inc.

DATE: 6/17/2024

KC Community College

(Without LMW)

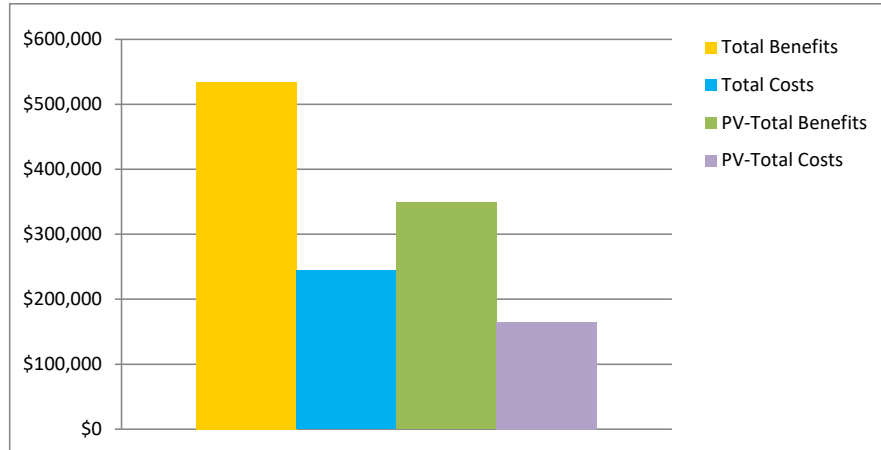
DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.19

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.11

(Typical desired ratio would be 1.3 to 1) **Average ROI** 11.89%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	29,746	4,462	1,969	36,177	33,653	2,327	19,335	21,661	20,150	14,515	14,515	13,503	17,986
2	30,341	4,551	2,216	37,108	32,111	2,619	19,722	22,340	19,332	14,768	29,283	12,779	17,066
3	30,948	9,284	2,474	42,706	34,377	2,924	20,116	23,040	18,546	19,667	48,950	15,831	16,193
4	31,567	9,470	2,744	43,781	32,783	3,242	20,518	23,761	17,792	20,020	68,970	14,991	15,364
5	32,198	17,709	2,813	52,719	36,722	3,323	20,929	24,252	16,893	28,467	97,437	19,829	14,578
6	32,842	18,063	2,883	53,788	34,852	3,406	21,347	24,754	16,039	29,034	126,471	18,813	13,832
7	33,499	26,799	2,955	63,253	38,126	3,492	21,774	25,266	15,229	37,987	164,458	22,897	13,125
8	34,169	27,335	3,029	64,533	36,184	3,579	22,210	25,789	14,460	38,744	203,202	21,724	12,453
9	34,852	31,367	3,104	69,324	36,158	3,668	22,654	26,322	13,729	43,001	246,203	22,429	11,816
10	35,549	31,994	3,182	70,726	34,316	3,760	23,107	26,867	13,036	43,858	290,061	21,280	11,211
Total	\$325,710	\$181,034	\$27,369	\$534,113	\$349,281	\$32,340	\$211,712	\$244,052	\$165,206	\$290,061	\$290,061	\$184,075	\$143,623



SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Mies Wholesale Meats, Inc.

Kaw Valley Drain. Dist.

(Without LMW)

DATE: 6/17/2024

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:

3.14

Ratio of Present Value of Total Benefits to Present Value of Total Costs:

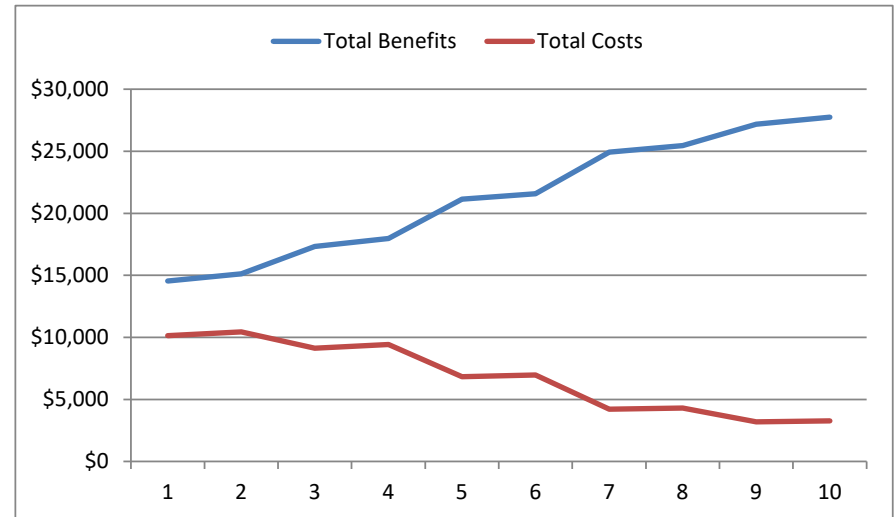
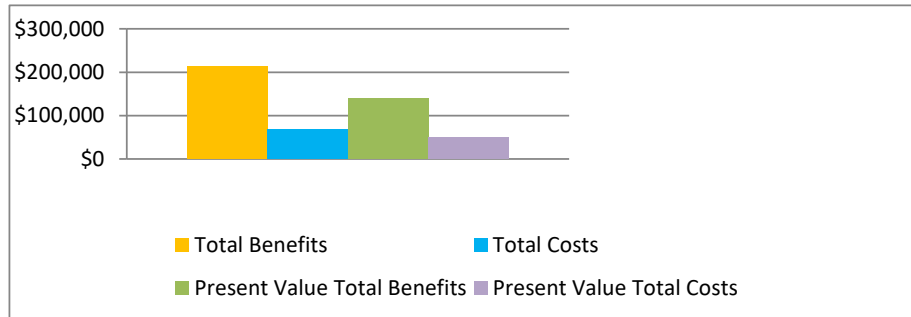
2.77

(Typical desired ratio would be 1.3 to 1)

Average ROI

14.24%

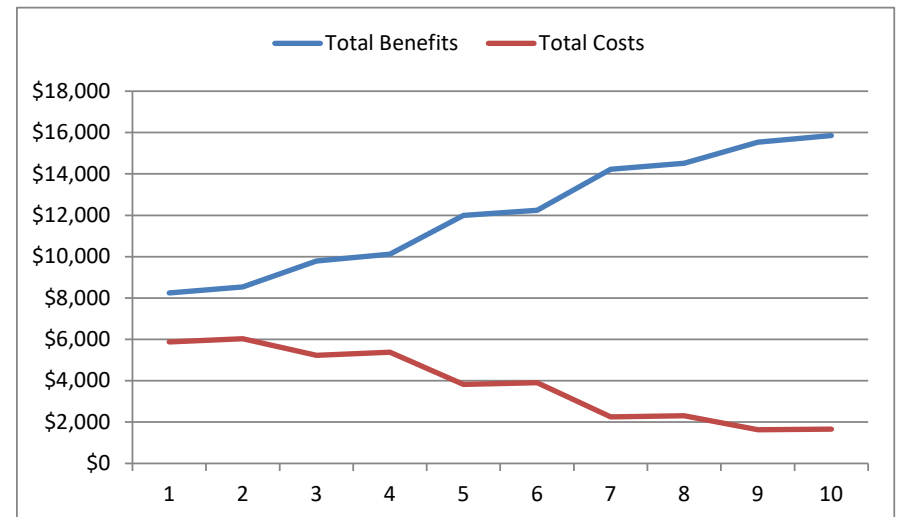
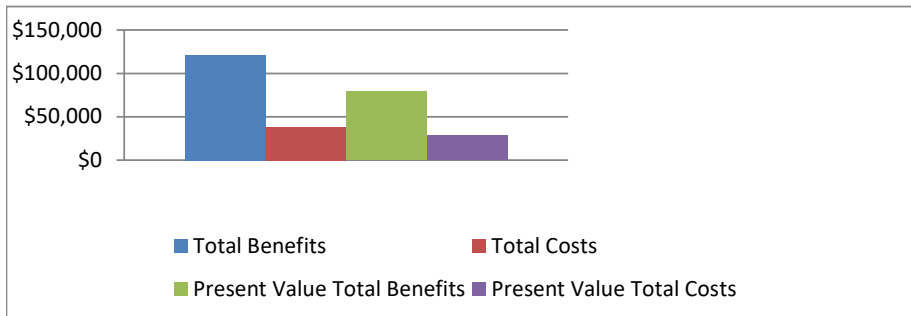
Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$10,300	\$1,545	\$2,696	\$14,541	\$13,527	\$876	\$9,270	\$10,145	\$9,438	\$4,396	\$4,396	\$4,089	\$8,623
2	\$10,506	\$1,576	\$3,035	\$15,116	\$13,081	\$986	\$9,455	\$10,441	\$9,035	\$4,676	\$9,071	\$4,046	\$8,182
3	\$10,716	\$3,215	\$3,388	\$17,319	\$13,941	\$1,100	\$8,037	\$9,137	\$7,355	\$8,182	\$17,253	\$6,586	\$6,469
4	\$10,930	\$3,279	\$3,758	\$17,967	\$13,454	\$1,220	\$8,198	\$9,418	\$7,052	\$8,549	\$25,802	\$6,402	\$6,138
5	\$11,149	\$6,132	\$3,852	\$21,132	\$14,720	\$1,251	\$5,574	\$6,825	\$4,754	\$14,307	\$40,110	\$9,966	\$3,883
6	\$11,372	\$6,254	\$3,948	\$21,574	\$13,979	\$1,282	\$5,686	\$6,968	\$4,515	\$14,606	\$54,716	\$9,464	\$3,684
7	\$11,599	\$9,279	\$4,047	\$24,925	\$15,024	\$1,314	\$2,900	\$4,214	\$2,540	\$20,711	\$75,427	\$12,484	\$1,748
8	\$11,831	\$9,465	\$4,148	\$25,444	\$14,267	\$1,347	\$2,958	\$4,305	\$2,414	\$21,139	\$96,567	\$11,853	\$1,658
9	\$12,068	\$10,861	\$4,252	\$27,181	\$14,177	\$1,381	\$1,810	\$3,191	\$1,664	\$23,990	\$120,556	\$12,513	\$944
10	\$12,309	\$11,078	\$4,358	\$27,745	\$13,462	\$1,415	\$1,846	\$3,262	\$1,582	\$24,484	\$145,040	\$11,879	\$896
Total	\$112,780	\$62,685	\$37,482	\$212,946	\$139,631	\$12,172	\$55,734	\$67,906	\$50,349	\$145,040	\$145,040	\$89,282	\$42,226



SUMMARY OF COSTS AND BENEFITS FOR: **WY Co Library**
PROJECT: **Mies Wholesale Meats, Inc.** (Without LMW)
DATE: 6/17/2024

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: **3.18**
Ratio of Present Value of Total Benefits to Present Value of Total Costs: **2.79**
 (Typical desired ratio would be 1.3 to 1) **Average ROI** **21.79%**

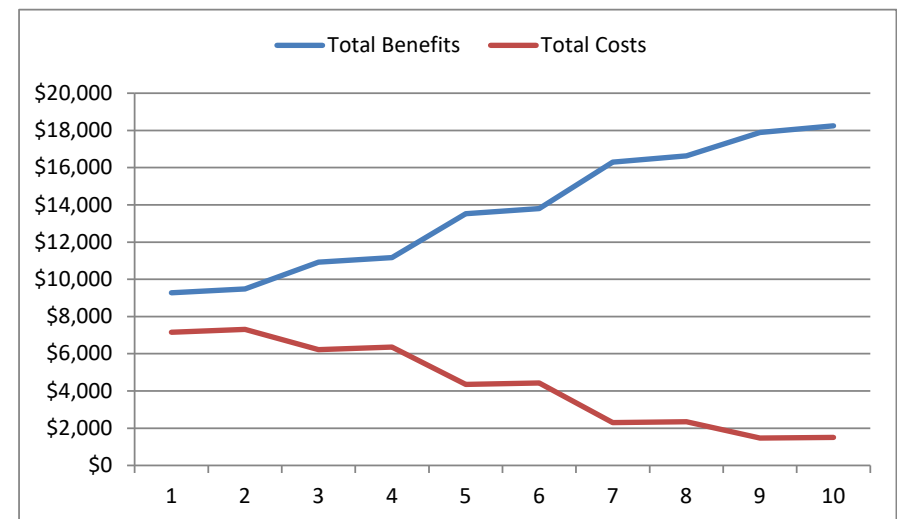
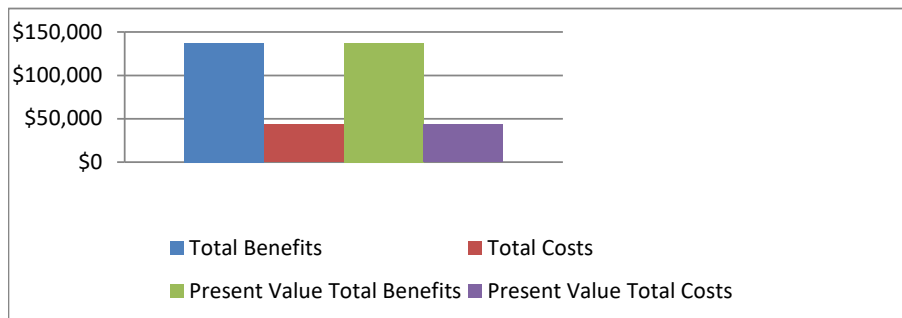
Year	District Property Taxes	District PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$6,142	\$921	\$1,181	\$8,245	\$7,669	\$349	\$5,528	\$5,876	\$5,466	\$2,368	\$2,368	\$2,203	\$5,142
2	\$6,265	\$940	\$1,330	\$8,534	\$7,385	\$392	\$5,638	\$6,031	\$5,218	\$2,504	\$4,872	\$2,166	\$4,879
3	\$6,390	\$1,917	\$1,485	\$9,792	\$7,882	\$438	\$4,792	\$5,231	\$4,210	\$4,561	\$9,433	\$3,671	\$3,858
4	\$6,518	\$1,955	\$1,647	\$10,120	\$7,578	\$486	\$4,888	\$5,374	\$4,024	\$4,745	\$14,178	\$3,553	\$3,660
5	\$6,648	\$3,656	\$1,688	\$11,992	\$8,353	\$498	\$3,324	\$3,822	\$2,662	\$8,170	\$22,348	\$5,691	\$2,315
6	\$6,781	\$3,730	\$1,730	\$12,240	\$7,931	\$510	\$3,391	\$3,901	\$2,528	\$8,339	\$30,688	\$5,404	\$2,197
7	\$6,917	\$5,533	\$1,773	\$14,223	\$8,573	\$523	\$1,729	\$2,252	\$1,358	\$11,971	\$42,658	\$7,215	\$1,042
8	\$7,055	\$5,644	\$1,817	\$14,516	\$8,139	\$536	\$1,764	\$2,300	\$1,290	\$12,216	\$54,875	\$6,850	\$989
9	\$7,196	\$6,476	\$1,863	\$15,535	\$8,103	\$550	\$1,079	\$1,629	\$850	\$13,906	\$68,781	\$7,253	\$563
10	\$7,340	\$6,606	\$1,909	\$15,855	\$7,693	\$563	\$1,101	\$1,664	\$808	\$14,191	\$82,972	\$6,885	\$534
Total	\$67,251	\$37,379	\$16,423	\$121,053	\$79,306	\$4,846	\$33,234	\$38,080	\$28,414	\$82,972	\$82,972	\$50,893	\$25,180



SUMMARY OF COSTS AND BENEFITS FOR: **USD 202 Rec. Comm**
PROJECT: **Mies Wholesale Meats, Inc.** (Without LMW)
DATE: 6/17/2024 **DISCOUNT RATE:** 0.00%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: **3.16**
Ratio of Present Value of Total Benefits to Present Value of Total Costs: **3.16**
 (Typical desired ratio would be 1.3 to 1) **Average ROI** **21.57%**

Year	District Property Taxes	District PILOT Payment	Other District Revenues	Total Benefits	Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Present Value of Net Benefits	Present Value of Taxes Abated
1	\$7,898	\$1,185	\$194	\$9,276	\$9,276	\$53	\$7,108	\$7,161	\$7,161	\$2,116	\$2,116	\$2,116	\$7,108
2	\$8,056	\$1,208	\$218	\$9,482	\$9,482	\$60	\$7,250	\$7,310	\$7,310	\$2,173	\$4,288	\$2,173	\$7,250
3	\$8,217	\$2,465	\$244	\$10,926	\$10,926	\$67	\$6,163	\$6,229	\$6,229	\$4,697	\$8,985	\$4,697	\$6,163
4	\$8,381	\$2,514	\$271	\$11,166	\$11,166	\$74	\$6,286	\$6,360	\$6,360	\$4,806	\$13,791	\$4,806	\$6,286
5	\$8,549	\$4,702	\$277	\$13,528	\$13,528	\$76	\$4,274	\$4,350	\$4,350	\$9,178	\$22,969	\$9,178	\$4,274
6	\$8,720	\$4,796	\$284	\$13,800	\$13,800	\$78	\$4,360	\$4,437	\$4,437	\$9,362	\$32,331	\$9,362	\$4,360
7	\$8,894	\$7,115	\$291	\$16,301	\$16,301	\$80	\$2,224	\$2,303	\$2,303	\$13,998	\$46,329	\$13,998	\$2,224
8	\$9,072	\$7,258	\$299	\$16,628	\$16,628	\$82	\$2,268	\$2,350	\$2,350	\$14,279	\$60,607	\$14,279	\$2,268
9	\$9,253	\$8,328	\$306	\$17,888	\$17,888	\$84	\$1,388	\$1,472	\$1,472	\$16,416	\$77,023	\$16,416	\$1,388
10	\$9,439	\$8,495	\$314	\$18,247	\$18,247	\$86	\$1,416	\$1,501	\$1,501	\$16,745	\$93,769	\$16,745	\$1,416
Total	\$86,478	\$48,066	\$2,698	\$137,242	\$137,242	\$737	\$42,736	\$43,473	\$43,473	\$93,769	\$93,769	\$93,769	\$42,736

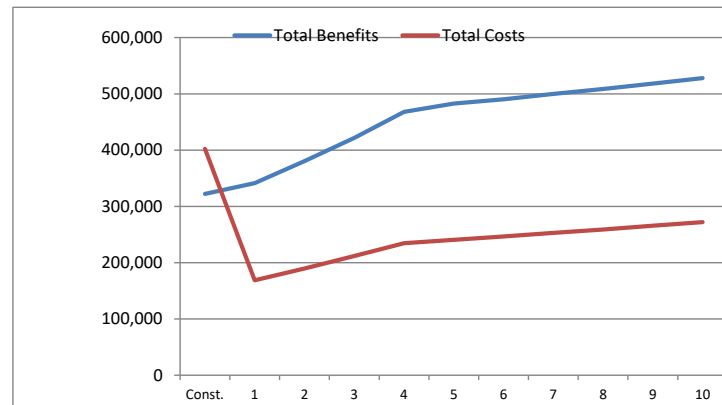
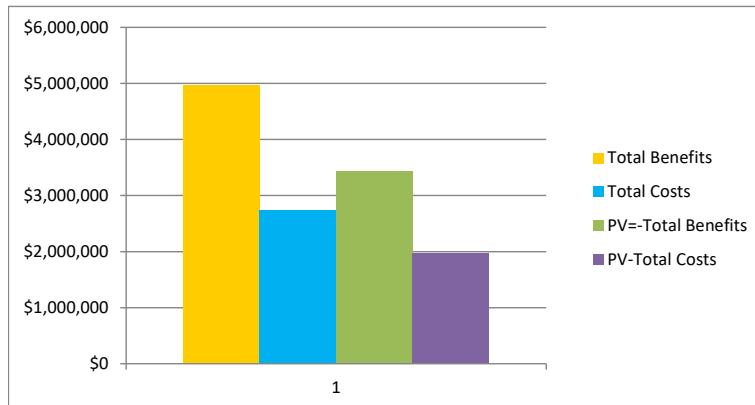


SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Mies Wholesale Meats, Inc.
DATE: 6/17/2024

State of Kansas
 (Without LMW)
DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.81
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 1.74
Average ROI: 8.08%
 (Typical desired ratio would be 1.3 to 1)

Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Property Taxes Abated	Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	177,190	\$0	145,000	0	0	322,190	322,190	0	\$0	\$0	\$402,188	402,188	402,188	-79,998	-79,998	-79,998	402,188
1	145,830	\$1,692	63,082	254	130,595	341,453	317,631	49,176	118,403	\$1,100	0	168,680	156,911	172,773	92,776	160,719	1,023
2	161,436	\$1,726	70,090	259	146,983	380,494	329,254	55,347	133,262	\$1,122	0	189,731	164,181	190,763	283,538	165,073	971
3	177,786	\$1,761	77,462	528	164,109	421,647	339,409	61,796	148,789	\$1,144	0	211,730	170,434	209,917	493,455	168,975	921
4	197,313	\$1,796	86,320	539	182,000	467,968	350,415	68,533	165,010	\$1,167	0	234,710	175,751	233,258	726,713	174,664	874
5	204,213	\$1,832	88,912	1,008	186,550	482,514	336,099	70,246	169,135	\$1,191	0	240,572	167,573	241,942	968,655	168,527	829
6	206,916	\$1,869	89,397	1,028	191,214	490,423	317,775	72,003	173,363	\$1,215	0	246,580	159,775	243,843	1,212,498	158,001	787
7	210,191	\$1,906	90,090	1,525	195,994	499,706	301,200	73,803	177,697	\$1,239	0	252,739	152,340	246,967	1,459,464	148,860	747
8	213,565	\$1,944	90,783	1,555	200,894	508,741	285,252	75,648	182,140	\$1,264	0	259,051	145,251	249,690	1,709,154	140,002	709
9	217,135	\$1,983	91,476	1,785	205,916	518,295	270,334	77,539	186,693	\$1,289	0	265,521	138,491	252,774	1,961,928	131,843	672
10	220,853	\$2,023	92,169	1,820	211,064	527,930	256,148	79,477	191,361	\$1,315	0	272,153	132,047	255,777	2,217,705	124,101	638
Total	\$2,132,428	\$18,531	\$984,781	\$10,300	\$1,815,320	\$4,961,360	\$3,425,707	\$683,568	\$1,645,854	\$12,045	\$402,188	\$2,743,655	\$1,964,940	\$2,217,705	\$2,217,705	\$1,460,767	\$410,359



* The development agreement calls for 100% of the state's 6.5% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

Mies Wholesale Meats, Inc. (Without LMW)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	51	66
Construction jobs created	126	0
Number of New Residents in the Community	28	36
Number of Additional Students in the Local School District	10	13
Increase in Local Personal Incomes	\$3,003,900	\$39,989,550
Increase in Local Retail Sales	\$11,033,839	\$758,012,391
Increase in the Community's Property Tax Base	\$4,512,992	\$5,393,443
Estimated Property Tax Revenue after the abatement period ends:		
	City	\$52,894
	County	\$51,318
	School	\$71,361
	Comm. Coll.	\$36,260
	Drain. Dist.	\$13,063
	WYCO Library	\$7,487
	Rec. Comm.	\$9,627
	State	\$2,063
	Total	\$244,073

Mies Wholesale Meats, Inc.

(Without LMW)

Overall Cost-Benefit Summary

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS		INDIRECT COSTS	TOTAL COSTS	NET BENEFITS
	Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				Property Taxes Abated	Cost of Educating New Students	ALL INDIRECT COSTS		
City of Kansas City	687,822	264,084	475,129			342,484	1,769,519	12,698	1,782,216	234,802		41,323	276,125	1,506,091
Wyandotte County	418,410	256,212	460,967				1,135,589	39,874	1,175,462	299,628		30,491	330,120	845,343
Turner-Kansas City USD 202		356,281	672,589	2,466,579			3,495,449		3,495,449	283,542	240,642	0	524,184	2,971,265
KC Community College		181,034	325,710				506,744	27,369	534,113	211,712		32,340	244,052	290,061
Kaw Valley Drain. Dist.		62,685	112,780				175,464	37,482	212,946	55,734		12,172	67,906	145,040
WYCO Library		37,379	67,251				104,630	16,423	121,053	33,234		4,846	38,080	82,972
USD 202 Rec. Comm.		48,066	86,478				134,544	2,698	137,242	42,736		737	43,473	93,769
State of Kansas	2,132,428	10,300	18,531		984,781		3,146,040	1,815,320	4,961,360	12,045	1,645,854	683,568	2,341,467	2,619,893
TOTALS	\$3,238,660	\$1,216,040	\$2,219,434	\$2,466,579	\$984,781	\$342,484	\$10,467,978	\$1,951,863	\$12,419,841	\$1,173,433	\$1,886,496	\$805,477	\$3,865,407	\$8,554,435

MIES FAMILY FOODS

Kansas City, KS

Build-to-Suit Construction Project

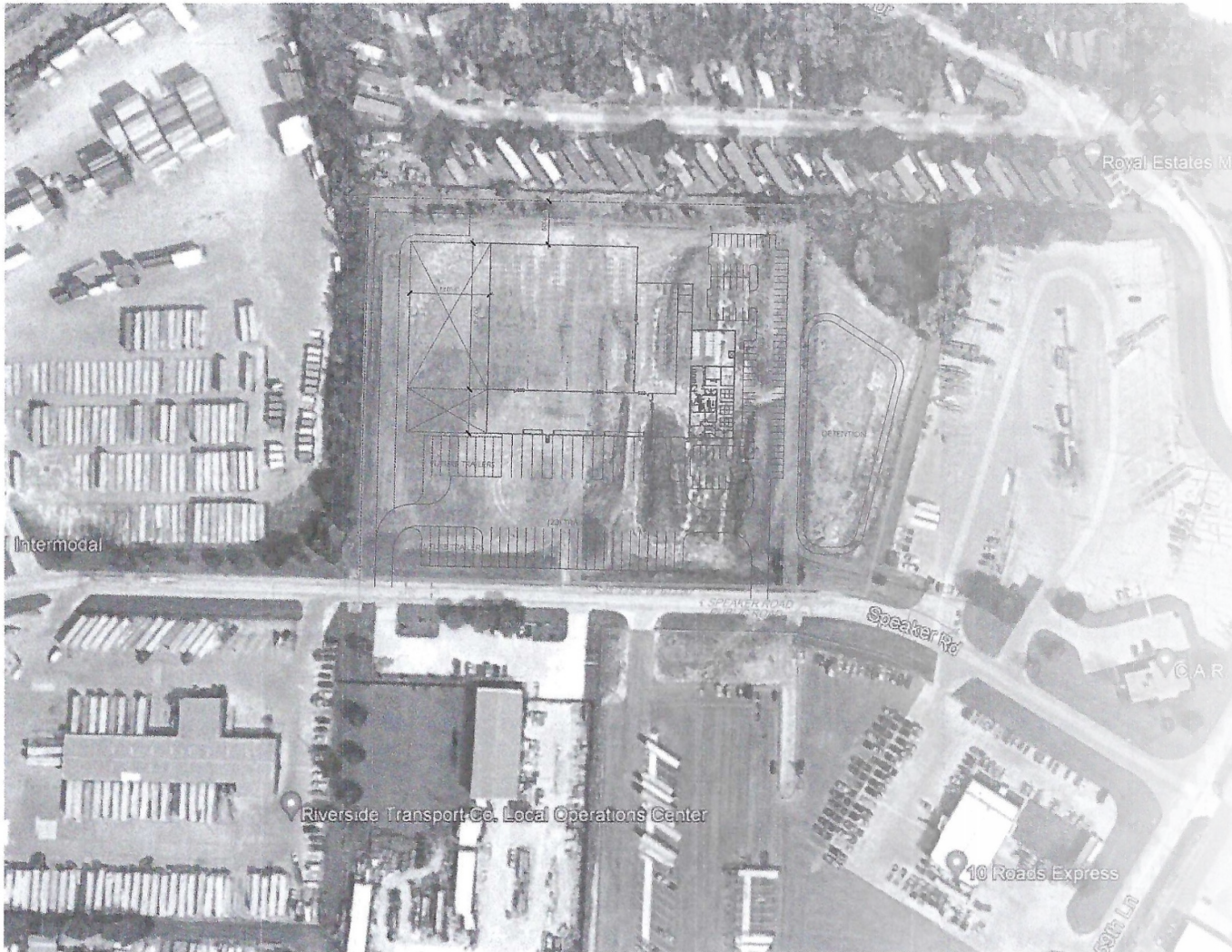
6036 Speaker Road

Mies Family Foods – Company Intro

- Servicing Kansas City and the surrounding area since 1968
- Full-service distributor of fresh and frozen beef, pork chicken and a wide variety of food service products
- Sales projected to grow 8-12% annually over the next five years
- All operations to be consolidated in new location

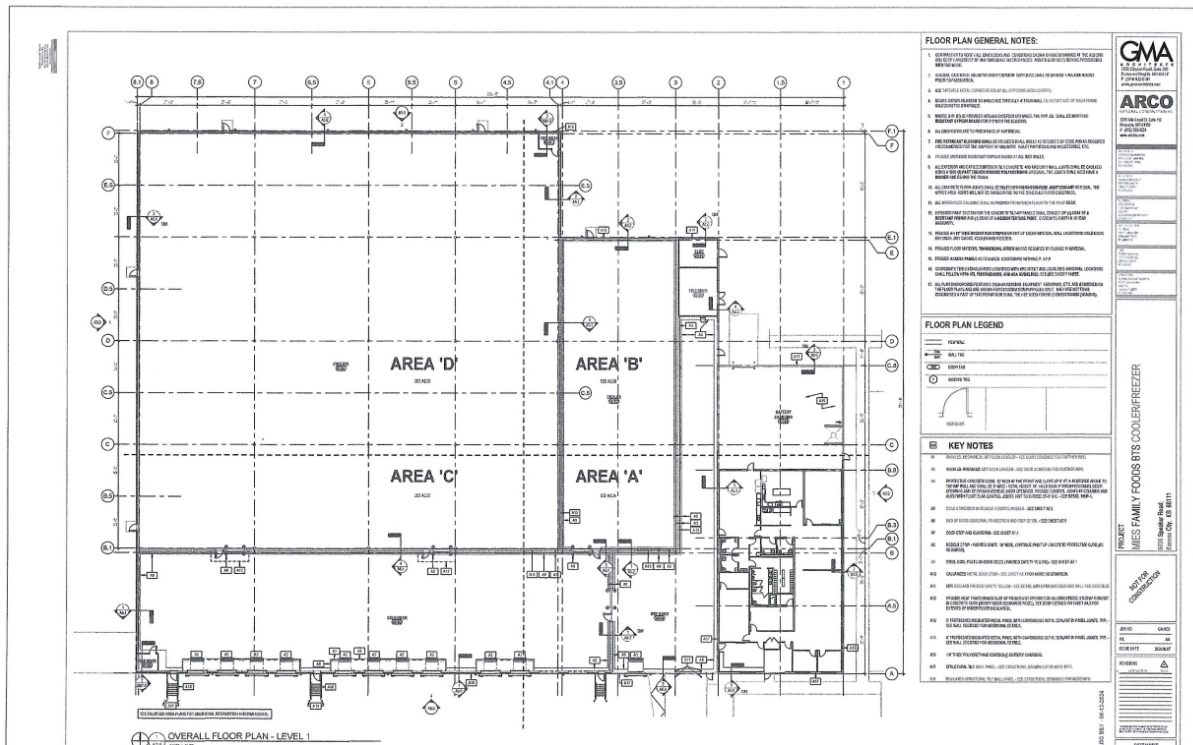


6036 Speaker Road, Kansas City KS 66111



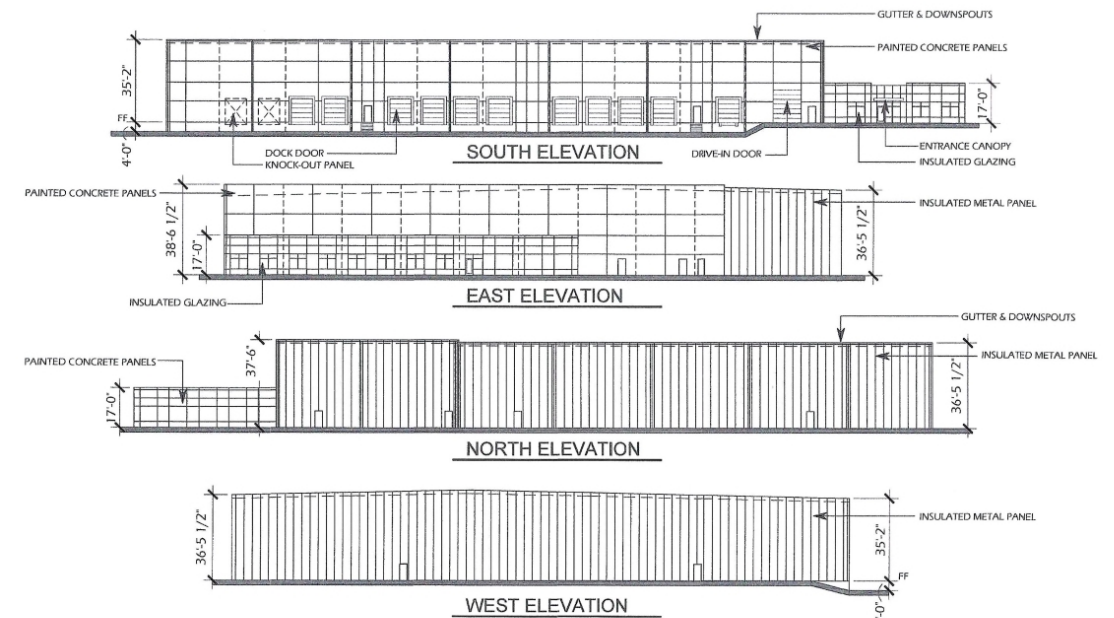
- 78,000 sq. foot building
- 9 acres of land
- Construction to begin late summer 2024 with completion estimated to be Q2 2025
- Building & Improvements are forecasted to be approximately \$14.5M

6036 Speaker Road, Kansas City KS 66111



PROPOSED FACILITY | RIVERSIDE, MO

GMA JOB NUMBER: GAP0068 | DATE: 02.15.2024 | SCALE 1" = 36'-0"



Miles

ARCHITECTURAL ELEVATIONS

ARCO GMA

Projections & Forecasts

Investment

- Land Acquisition - \$1.45M
- Building Improvements - \$14.5M
- New Equipment - \$1.5M
- Transfers of current equipment in MO to new facility

Employment

- Current employment – 37
- 15 net new jobs within a 3-year period
- Full benefits offered including medical, dental, 401k
- Median wages paid of \$58,000

Tracking ID: 21210



Report to

MEETING DATE	PRESENTER	DEPARTMENT
JUL 08 2024	Jud Knapp, Acting Land Bank Manager jknapp@wycokck.org x5472	Land Bank Approvals
AGENDA ITEM #		
LAND BANK OPTIONS		
BACKGROUND		
RECOMMENDATION		
Approve The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed items and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager. Please visit the site to review the applications below. https://gisapp.wycokck.org/Landbank.html 17 Single Family Homes 8 Multi Family Units 1 Commercial		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
NCD Memo Land Bank Options 07.08.24		

Approved by Mayor and/or Chair and Administrator to add to agenda.



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: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: July 19, 2024
SUBJECT: Option applications for consideration

The following **option application(s)** were presented on the 07/08/2024 meeting:

Please visit the new site to review the applications below

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

A. Single Family Homes – 11 Homes

1. CHWC – 1 home
 - i. 2930 N Getty St – 293003
4. Darnell Busch – 1 home
 - ii. 2706 N 5th St – 095826
5. Amy Bousman – 1 home
 - iii. 3510 Lust Dr – 079439
7. Jayme L. Simmons – 1 home
 - iv. 5205 Custer Ave – 052601
8. Jayme L Simmons – 1 home
 - v. 2811 S 28th St – 149834
9. Engineered GC Services LLC – 1 home
 - vi. 3015 N Bethany St – 106605
10. Gary Dwayne Boyington Jr. – 1 home
 - vii. 816 Sanford Ave – 131369
11. Now Maderos – 2 homes
 - viii. 2521 S 12th Ter – 129319
 - ix. 2532 S 12th Ter – 129351
12. Eliuc Conejo – 1 home
 - x. 3304 N 47th St – 916918
 - xi. 4728 Parkview Ave – 916917
13. Reginold Johnson – 1 home
 - xii. 4701 Parkview Ave – 916919
 - xiii. 4703 Parkview Ave – 916920
 - xiv. 4707 Parkview Ave – 916921
 - xv. 4719 Parkview Ave – 916922

xvi. 4721 Parkview Ave – 916923

B. Multi Family – 6 units

1. Benjamin Evans Jr. – 2 Units
 - i. 1231 N 48th Ter – 047572
2. Christopher Lewis – 2 units
 - i. 2945 N 72nd St – 050968
4. Pillar KC – 2 units
 - ii. 1119 State Ave – 080759
 - iii. 1121 State Ave - 080760

C. Commercial – 1

1. Leyva's Lawncare
 - i. 834 Scott Ave - 071614



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 NON-CONSENT		
BACKGROUND		
The following option applications were presented at the July 8, 2024, Neighborhood & Community Development Standing Committee: Please visit the new site to review the applications below https://gisapp.wycokck.org/Landbank.html 1. Katherine Dodd – 1 home 2828 N. Hallock St. – 292427 2. Terri Walker – 1 home 2526 N Hallock St. – 292426 <i>On July 8, 2024, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Davis, voted unanimously to set these items over the next standing committee hearing date (July 29, 2024). These items have been requested to be heard on the July 25, 2024, Land Bank Board of Trustees Non-Consent Agenda.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		

LAND BANK NON CONSENT MEMO

Approved by Mayor and/or Chair and Administrator to add to agenda.



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: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: July 22, 2024
SUBJECT: Option applications for consideration (Non-Consent)

The following **option application(s)** was presented at the 07/08/2024 meeting:

Please visit the new site to review the applications below

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

A. Single Family Homes – 2 Homes

1. Katherine Dodd – 1 home
 - i. 2528 N Hallock St – 292427
2. Terri Walker – 1 home
 - i. 2526 N Hallock St – 292426