

UPDATED AGENDA
AUGUST 29, 2024 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM

Location: Hybrid

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

Please click this URL to join. <https://us02web.zoom.us/j/83585263027>

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International numbers available: <https://us02web.zoom.us/j/83585263027>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, AUGUST 29, 2024 AGENDA**
ADDING ITEM NO. 2 TO MAYOR'S AGENDA
- VI. MAYOR'S AGENDA**
- VII. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- 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. PUBLIC ANNOUNCEMENTS
- XVII. ADJOURN

VI. MAYOR'S AGENDA

Item No. 1 - STATEMENT: JOINT MEETING WITH BOARD OF PUBLIC UTILITIES, UNIFIED GOVERNMENT ELECTED BODIES AND EXECUTIVE STAFF

Synopsis: Mayor Garner will provide a brief statement regarding continued discussions with the Board of Public Utilities and Unified Government.

For information only

Tracking #: 21347

Item No. 2 - RESOLUTION: AMENDING THE TWO-YEAR MEETING CALENDAR (ADDED PER AGENDA UPDATE)

Synopsis: A resolution amending the two-year meeting calendar for the Unified Government Commission from February 2024 through January 2026.

Tracking #: 21355

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. COZ2024-021 - JUSTIN MILBURN WITH MILBURN CIVIL ENGINEERING

Synopsis: Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District to construct an equipment shop and storage facility at 7102 and 7102R Holliday Drive, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21321

2. COZ2024-022 - ROGER BARRETT

Synopsis: Change of Zone from R-2 Two Family District to TND Traditional Neighborhood Design District to construct a 44-unit apartment development at 4225 Mission Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21324

3. **COZ2024-023 - BRIAN HOCHSTEIN**

Synopsis: Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District for outdoor storage at 1930 South 74th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21325

4. **COZ2024-024 - BRIAN LAVERY**

Synopsis: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District for an outdoor mini-golf course and an event center at 9400 State Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21326

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2024-005 - SOL JIMENEZ WITH VILLEDA'S WORKSHOP LLC**

Synopsis: Special Use Permit to operate an automotive repair business at 1101 Minnesota Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 for 2 years.

Tracking #: 21327

2. **SP2024-042 - LANXIN ZHENG**

Synopsis: Special Use Permit to operate a Short-Term Rental at 3316 North 131st Street, RECOMMENDED FOR DENIAL BY A VOTE OF 8 TO 0.

Tracking #: 21330

3. **SP2024-044 - TOM PROEBSTLE WITH SKYLINE PROPERTY**

Synopsis: Renewal of a Special Use Permit (SP2023-004) for a Short-Term Rental at 10 South Hallock Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21319

4. **SP204-045 - TRISTIN PERKINS**

Synopsis: Renewal of a Special Use Permit (SP2023-032) for a Short-Term Rental at 1945 West Lawrence Court, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21320

5. **SP2024-046 - MICHAEL SIMMONS**

Synopsis: Special Use Permit for live entertainment at a private club/smoking lounge at 407 North 6th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21331

C. VACATION APPLICATIONS

1. **VAC2024-006 - WIL ANDERSON WITH BHC RHODES**

Synopsis: Vacation of a portion of Garnett Avenue street right-of-way at 534 Garnett Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21334

2. **VAC2024-007 - JANE WINKLER PHILBROOK TRUST**

Synopsis: Vacation of a portion of State Avenue right-of-way at 7161 State Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21335

D. PLAN REVIEW APPLICATIONS

1. **PR2024-012 - KILE MORRISON WITH ARCHIMAGES**

Synopsis: Preliminary and Final Plan Review to construct a new fire station at 521 South 72nd Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21336

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

1. AN ORDINANCE rezoning property at 1625 South 86th Street (COZ2023-035) from MP-1 Planned Light Industrial and Industrial Park District to MP-2 Planned General Industrial District, RECOMMENDED FOR APPROVAL.

Tracking #: 21317

2. AN ORDINANCE rezoning property at 4110 North 55th Street (COZ2024-018) from R-1 Single Family District to A-G Agriculture District, RECOMMENDED FOR APPROVAL.

Tracking #: 21318

3. AN ORDINANCE authorizing a Special Use Permit for continuation of on-site grading and dirt removal at 1625 South 86th Street, RECOMMENDED FOR APPROVAL.

Tracking #: 21322

4. AN ORDINANCE authorizing a Special Use Permit (SP2024-009) to keep an office trailer on the property while the existing structure undergoes renovation at 1120 North 8th Street, RECOMMENDED FOR APPROVAL.

Tracking #: 21323

5. AN ORDINANCE authorizing a Special Use Permit (SP2024-035) for a non-owner-occupied Short-Term Rental at 2504 West 47th Street, RECOMMENDED FOR APPROVAL.

Tracking #: 21328

6. AN ORDINANCE authorizing a Special Use Permit (SP2024-036) to continue to operate a training facility for excavating and pipeline operations for Kansas Gas Service at 8535 Riverview Avenue, RECOMMENDED FOR APPROVAL.

Tracking #: 21332

7. AN ORDINANCE authorizing a Special Use Permit (SP2024-037) to host small-scale events at a privately operated park at 600 Washington Boulevard and 1308 North 6th Street, RECOMMENDED FOR APPROVAL.

Tracking #: 21337

8. AN ORDINANCE authorizing a Special Use Permit (SP2024-038) for a truck repair shop and parking at 919 South 26th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21338
9. AN ORDINANCE authorizing a Home Occupation Special Use Permit (SP2024-039) to make bath products at 49 South 64th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21339
10. AN ORDINANCE authorizing a Special Use Permit (SP2024-041) for a liquor store at 9801 Parallel Parkway, RECOMMENDED FOR APPROVAL.
Tracking #: 21340

IX. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. **SP2024-027 - KATELYN WOLF WITH BARTLETT + WEST**
Synopsis: Special Use Permit for processing and recycling of concrete, brick, and other rock materials at 6601 Inland Drive, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 TO 3 FOR 2 YEARS.
Tracking #: 21329
2. **SP2024-047 - SELENA UMANA WITH THE RED CIRCLE, LLC**
Synopsis: Special Use Permit for an event space at 6000 Leavenworth Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 7 TO 1 VOTE FOR 2 YEARS.
Tracking #: 21333

TAX STATUS REPORT ***BOARD OF COMMISSIONERS AGENDA FOR AUGUST 29, 2024***

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

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

X. REGULAR CONSENT AGENDA

Item No. 1. - RESOLUTION: SECOND AMENDMENT TO THE 505 CENTRAL DEVELOPMENT AGREEMENT

Synopsis: Approve a resolution adopting the Second Amendment to the 505 Central Development Agreement, changing the date of commencement from September 1, 2024, to March 1, 2026, and changing the date of completion from September 1, 2026, to March 1, 2028.

*On July 29, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21251

Item No. 2 - PLAT: WIDNER ESTATES

Synopsis: Plat of Widner Estates, located at 1435 and 1501 South 88th Street, and being developed by Jason Widner.

Tracking #: 21342

Item No. 3 - PLAT: CUNNINGHAM ACRES

Synopsis: Plat of Cunningham Acres, located at 8 South 86th Street, and being developed by Shayla Cunningham.

Tracking #: 21343

Item No. 4 - PLAT: BURNS MEADOWS

Synopsis: Plat of Burns Meadows, located at the Southwest corner of 88th and Swartz Road and being developed by Brent and Rex Burns.

Tracking #: 21344

Item No. 5 - PLAT: HOLLINGSWORTH ACRES

Synopsis: Plat of Hollingsworth Acres, located at 10000 Hollingsworth Road and being developed by Matt Francis.

Tracking #: 21345

Item No. 6 - PLAT: MIES FAMILY FOODS

Synopsis: Plat of Mies Family Foods, located at 6036 Speaker Road and being developed by Mies Real Estate.

Tracking #: 21346

Item No. 7 - MINUTES

Synopsis: Minutes from the Special Session meeting on July 18, 2024, and Planning & Zoning and Regular Session meeting on June 29, 2023.

Tracking #: MINUTES

Item No. 8 - WEEKLY BUSINESS

Synopsis: Weekly business materials dated June 6, July 18, and August 1, 2024.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

Item No. 1 - RESOLUTION: MARSHALLTOWN COMPANY INDUSTRIAL REVENUE BONDS

Synopsis: There are two items to be addressed:

1. Setting the Public Hearing regarding the proposed issuance of bonds for August 29, 2024.
2. Adoption of a resolution of intent to issue Industrial Revenue Bonds in the amount of \$27,000,000 and approving the Performance Agreement for Marshalltown Company located at 9822 Leavenworth Road.

*On July 29, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21252

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

Item No. 1 - ORDINANCE/RESOLUTION: ARPA ALLOCATIONS 2024

Synopsis: Approval of an ordinance and resolution for the reallocation of American Rescue Plan Act funds for qualified uses.

Tracking #: 21350

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1. - LAND BANK OPTIONS

Synopsis: The following **option application(s)** was presented at the 07/29/2024 meeting:

Please visit the new site to review the applications below

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

6 Single Family Homes

27 Multi-Family Units

1 Commercial

*On July 29, 2024, the **Neighborhood & Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.*

Tracking #: 21248

Item No. 2. - LAND BANK PROPERTY TRANSFERS

Synopsis: The following **property transfers application(s)** was presented at the 07/29/24 standing committee meeting:

Please visit the new site to review the applications below.

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

PT – Property Transfers

1. UG to Land Bank – 5

*On July 29, 2024, the **Neighborhood & Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.*

Tracking #: 21249

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, AUGUST 29, 2024**

ADDING ITEMS

VI. MAYOR'S AGENDA

**Item No. 2 – RESOLUTION: AMENDING THE TWO-YEAR MEETING
CALENDAR**

Synopsis: A resolution amending the two-year meeting calendar for the Unified Government Commission from February 2024 through January 2026.

Tracking #: 21354



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office
AGENDA ITEM #VI.1.		
STATEMENT: JOINT MEETING WITH BOARD OF PUBLIC UTILITIES, UNIFIED GOVERNMENT ELECTED BODIES AND EXECUTIVE STAFF		
BACKGROUND		
Mayor Garner will provide a brief statement regarding continued discussions with the Board of Public Utilities and Unified Government.		
<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
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Mayor's Office
AGENDA ITEM #VI.2.		
RESOLUTION: AMENDING THE TWO-YEAR MEETING CALENDAR (ADDED PER AGENDA UPDATE)		
BACKGROUND		
A resolution amending the two-year meeting calendar for the Unified Government Commission from February 2024 through January 2026.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Resolution Amended Schedule Opt A (final2), Amended Schedule 8-28-24 (final)		

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

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE SCHEDULE OF MEETING TIMES FOR
THE UNIFIED GOVERNMENT COMMISSION THROUGH JANUARY 2025.**

WHEREAS, pursuant to the provisions of Appendix C, Section 107 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, the Commission is authorized to set the time for regular meetings of the Commission as well as meetings that include planning and zoning matters and to do so for a two-year period;

WHEREAS, pursuant to the provisions of Appendix C, Section 202 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, the neighborhood and community development (N/CD) and the economic development and finance (ED/F) standing committees of the Commission are required to meet on the Monday preceding the first full commission meeting of each month;

WHEREAS, while Appendix C, Section 107(a) of the Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas provides that “In general”, regular meetings of the commission are held on certain Thursdays of each month and thus the commission retains its authority to adjust its schedule by resolution;

WHEREAS, Appendix C, Section 202(f) of the Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas provides that the chairperson can change the date of a regular standing committee in certain circumstances and further suggests that the commission retains its authority to adjust the standing committee schedule by resolution; and

WHEREAS, the Commission on December 14, 2023, adopted the Commission Meeting Schedule in Resolution No. R-81-23, and the schedule became effective upon its publication in the official Unified Government newspaper on December 28, 2023.

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

Section 1. The attached schedule of meeting times of the Unified Government Commission, established pursuant to the provisions of Appendix C, Section 107 and Appendix C, Section 202 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended.

Section 2. This resolution shall take effect and be in full force from and after its passage and approval.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS, THIS 29th DAY OF AUGUST, 2024.**

Approved:

Tyrone A. Garner, Mayor/CEO

ATTEST:

Monica Sparks, Interim Unified Government Clerk

Approved as to Form:

Angela Lawson, Acting Chief Counsel

OPTION A

FEBRUARY 2024- JANUARY 2026 COMMISSION MEETING SCHEDULE

Thursdays 7:00 p.m. (unless otherwise specified)

The meetings are held in the Commission Chambers of the Municipal Office Building at 701 N. 7th Street, Kansas City, KS. Virtual options will be available for each meeting.

FC=Full Commission
P/Z=Planning & Zoning

2024

February	8	FC
	29	PZ & FC
March	7	FC
	28	PZ & FC
April	4	FC
	25	P/Z & FC
May	2	FC
	30	P/Z & FC
June	6	FC
	27	P/Z & FC
July	11	FC
	25	P/Z & FC
August	1	FC
	29	P/Z & FC
September	4 ⁵	FC
	26	P/Z & FC
October	3	FC
	30 ³¹	P/Z & FC
Nov	7	FC
	21	FC
Dec	5	P/Z & FC
	19	FC

2025

January 2 P/Z &
FC

30 P/Z &
FC

Feb 6 FC
27 P/Z &
FC

March 6 FC
27 P/Z &
FC

April 3 FC
24 FC

May 1 P/Z &
FC
29 P/Z &
FC

June 5 FC
26 P/Z &
FC

July 3 FC
31 P/Z &
FC

August 7 FC
28 P/Z &
FC

Sept 4 FC
25 P/Z &
FC

Oct 2 FC
30 P/Z &
FC

Nov	6	FC
	20	FC
Dec	4	P/Z &
		FC
	18	FC

2026

January	8	P/Z & FC
	29	P/Z & FC

STANDING COMMITTEE MEETINGS
February 2024 – January 2026

All Standing Committee meetings are scheduled the Monday before a full Commission meeting unless changed by the Chairperson of a committee, holiday, or for some other unforeseen reason. The meetings are held in the 5th Floor Conference Room of the Municipal Office Building at 701 N. 7th Street, Kansas City, KS. Virtual options will be available for each meeting.

N/CD - Neighborhood and Community Development
ED/F – Economic Development and Finance
PW/S – Public Works and Safety
A/HS – Administration and Human Services

Schedule for 2024 Standing Committees:

<u>Date</u>	<u>5:00 p.m.</u>	<u>Immediately following</u>
February 5	ED/F	N/CD
February 26	PW/S	A/HS
March 4	ED/F	N/CD
March 25	PW/S	A/HS
April 1	ED/F	N/CD
April 22	PW/S	A/HS
April 29	ED/F	N/CD
May 20	PW/S	A/HS
June 3	ED/F	N/CD
June 24	PW/S	A/HS
July 8	ED/F	N/CD
July 22	PW/S	A/HS
July 29	ED/F	N/CD
August 26	PW/S	A/HS
September 9	ED/F	N/CD
September 23	PW/S	A/HS
September 30	ED/F	N/CD
October 28	PW/S	A/HS
November 54	ED/F	N/CD
November 18	PW/S	A/HS
December 2	ED/F	N/CD
December 16	PW/S	A/HS

Schedule for 2025 Standing Committees:

<u>Date</u>	<u>5:00 p.m.</u>	<u>Immediately following</u>
December 30 January 27	ED/F PW/S	N/CD A/HS
February 3 February 24	ED/F PW/S	N/CD A/HS
March 3 March 24	ED/F PW/S	N/CD A/HS
March 31 April 21	ED/F PW/S	N/CD A/HS
April 28 May 19	ED/F PW/S	N/CD A/HS
June 2 June 23	ED/F PW/S	N/CD A/HS
June 30 July 28	ED/F PW/S	N/CD A/HS
August 4 August 25	ED/F PW/S	N/CD A/HS
September 8 September 22	ED/F PW/S	N/CD A/HS
September 29 October 27	ED/F PW/S	N/CD A/HS
November 3 November 17	ED/F PW/S	N/CD A/HS

December 1
December 15

ED/F
PW/S

N/CD
A/HS

Schedule for 2026 Standing Committees:

Date

5:00 p.m.

Immediately following

January 5
January 26

ED/F
PW/S

N/CD
A/HS



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: August 29, 2024

Re: Change of Zone Petition COZ2024-021

GENERAL INFORMATION

Applicant Information:

Justin Milburn
Representative
Milburn Civil Engineering
33135 West 83rd Street
De Soto, Kansas 66018

Subject Property:

7102 and 7102 R Holliday Drive
Kansas City, Kansas 66111

Requested Action and Purpose:

Approval of Change of Zone from R-1 Single Family District to M-2 General Industrial District to be used as a shop and storage for Midwest Milling Services, Inc.

Commission Districts:

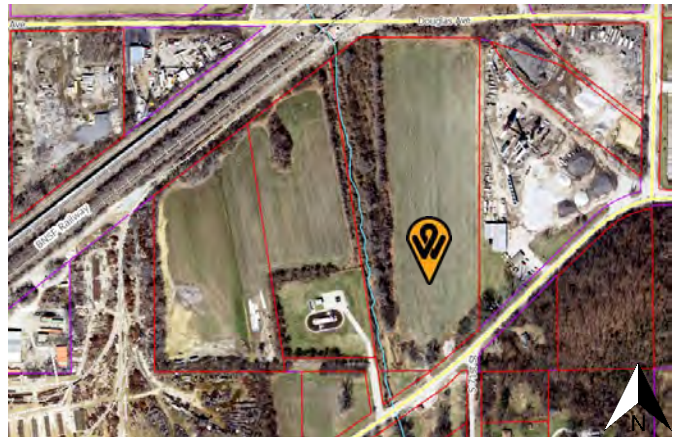
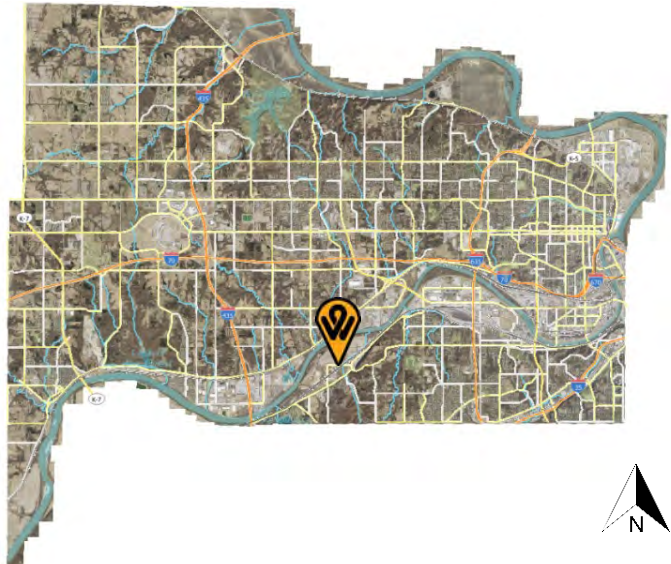
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Philip Lopez

Existing Zoning District(s):

R-1 Single Family District

Proposed Zoning District(s):

M-2 General Industrial District



	Adjacent Zoning	Adjacent Uses
North	None (Right-of-Way)	BNSF Railway
South	R-1 Single Family District	Large-Lot Single-family Residence
East	M-3 Heavy Industrial District	Construction Company
West	R-1 Single Family District	UG Sewer Pump House

Total Tract Size: 13.77 Acres

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Industrial, which allows for land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage. 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, and walking trails on an attractive campus feel.

Major Street Plan: The goDotte Mobility Plan designates Holliday Drive as a Major Collector Street.

Parking Requirement: Section 27-469 (e) states “One (1) space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning”.

Landscaping Requirement:

Trees are required to be provided at not less than one (1) per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area 15 feet in width is to be provided along side and rear property lines common to or across an alley from residentially zoned property. Adjacent to the property line, one (1) row of shade trees spaced not more than 40 feet on center and one (1) row of large shrubs spaced not more than eight (8) feet on center.

Advertisement:

The Wyandotte Echo – July 18, 2024
Letters to Property Owners – July 19, 2024

Public Hearings:

August 12, 2024 and August 29, 2024

Public Support:

None to date.

Public Opposition:

There were two (2) persons present in opposition at the August 12, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Justin Milburn, is requesting a Change of Zone from R-1 Single Family District to M-2 General Industrial District to be used as a shop and storage for Midwest Milling Service, Inc. at 7102 and 7102 R Holliday Drive, Kansas City, Kansas 66111.

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 character of the neighborhood is comprised of a mixture of uses. There is an industrial business east of the property zoned M-3 Heavy Industrial District, a UG water treatment facility to the west and undeveloped, and right-of-way to the north. A large lot single family home is across Holliday Drive, to the south, however, the single-family home is further south on the lot, uphill along Gibbs Road. The neighborhood is transitional in nature from the industrial uses and residences north of Holliday Drive to the single-family neighborhood south of Holliday Drive.

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 R-1 Single Family District and the M-3 Heavy Industrial District. The overall character and uses of the surrounding parcels are primarily industrial in nature with the railway right-of-way to the north and a sewer pump house to the west.

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 industrial purposes. The removal of the restrictions will not detrimentally affect the nearby properties as the majority of the properties surrounding the parcels are primarily industrial in nature.

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 has remained vacant and undeveloped since 1997 at the latest.

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 purposed development is not reasonably necessary for the convenience and welfare of the public. There are several other industrial uses and companies in the surrounding area.

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.*

Any use will increase traffic or parking demand to the site, as the parcel is vacant. However, the proposed use will not create an increase in traffic that would adversely affect the road capacity or safety of Holliday Drive, a Major Collector Street.

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

The PlanKCK Comprehensive Plan designates the subject property as Industrial, which allows for land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage.

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 into Morris Creek. However, if the proposed use or development adheres to the recommendations and regulations set forth for industrial operations 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 would provide electric and water services.

b. *Sanitary Sewer Service*

The property has one (1) sanitary sewer discharge point into Morris Creek, which runs along the West side of the property.

c. *Storm Water Control*

Storm water control is provided by the Unified Government.

d. Police

Police service is provided by South Patrol, District #334.

e. Fire

Fire service is provided by Station #16, which is 3.5 miles away from the subject property.

f. Transit

Kansas City ATA does not provide transit service near this property.

g. Schools

Public Education is provided by Oak Grove Elementary School, Turner Middle School and Turner High School, under the Turner School District, USD 202.

h. Streets

See item #6 above.

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

The purposed use will have a minimal economic impact on the community. The proposed development will generate some revenue for the Unified Government in the form of property tax and a local business tax.

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

The proposed use is capable of meeting all 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 as this would be a privately operated facility. If the application is denied, the property will be restricted to R-1 Single Family District uses and regulations.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at Grinter Place at 1420 South 78th Street, Kansas City, KS 66111 on July 25, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Architectural Screening
Improved Surfaces
Landscaping
Open Space Easement

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2024-021, to **MP-2 Planned General Industrial District**, subject to:

1. The rezoning to M-2 General Industrial District shall be a planned district, MP-2 Planned General Industrial District;
2. Subject to approval, a Final Development Plan is required to be submitted following the approval of the Change of Zone and prior to the ordinance publication;
3. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district;
4. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six (6) foot architectural screen adjacent to the property line and one (1) row of shade trees spaced not more than 40 feet on center and one (1) row of large shrubs spaced not more than 8 feet on center;
5. Any proposed fencing along Holliday Drive (street facing) shall have masonry columns installed 32 feet running;
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. 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;
8. Regarding BPU transformer screening, the following applies:

- Gate doors are required for all types of screening that are placed in front of the transformers.
 - Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
 - Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
 - Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
9. 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;
10. A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;
11. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
12. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue,

Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. 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;
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. 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;
18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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,
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **COZ2024-021** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Civil Plans Set
Site Plan
Stormwater Plan
Grading and Utility Plan
Erosion Control Plan
Landscape Plan
Traffic Impact Study
Planning Engineering Comments
Response to Planning Engineering Comments
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated July 12, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	August 12, 2024 Approval	August 29, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-021** 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 **COZ2024-021**, 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.

August 12, 2024, City Planning Commission Minutes:

Hearing starts at 1:06:08:

CHANGE OF ZONE APPLICATION COZ2024-021 – JUSTIN MILBURN WITH MILBURN CIVIL ENGINEERING – SYNOPSIS: Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District to construct an equipment shop and storage facility at 7102 and 7102R Holliday Drive. Detailed Outline of Requested Action: The applicant, Justin Milburn, is requesting a Change of Zone from R-1 Single Family District to M-2 General Industrial District to be used as a shop and storage for Midwest Milling Service, Inc. at 7102 and 7102 R Holliday Drive, 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 August 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Justin Milburn, Applicant, Milburn Civil Engineering, 33135 West 83rd Street, De Soto, Kansas 66018
- Mike Lyons, owner, 8146 Millridge Street, Lenexa, Kansas

Present in Opposition:

- Thomas Crafton, 6205 Holliday Drive, Kansas City, Kansas 66106
- Karen Shibi, 3101 South 54th Street, Kansas City, Kansas 66106

Staff Recommendation starts at 1:21:25: Planner Molloy stated that the request is a Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District to construct an equipment and storage facility and occasionally work on their equipment. Staff has received no letters in support and no opposition prior to this evening. There are no Notices of Violation on the property. PlanKCK designates this area for industrial and the area to the south of Holliday and east of Inland for rural density residential. The proposed zoning is compatible with most of the surrounding zoning. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:23:20:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-021 to MP-2 Planned General Industrial District:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. The rezoning to M-2 General Industrial District shall be a planned district, MP-2 Planned General Industrial District;
2. Subject to approval, a Final Development Plan is required to be submitted following the approval of the Change of Zone and prior to the ordinance publication;
3. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district;
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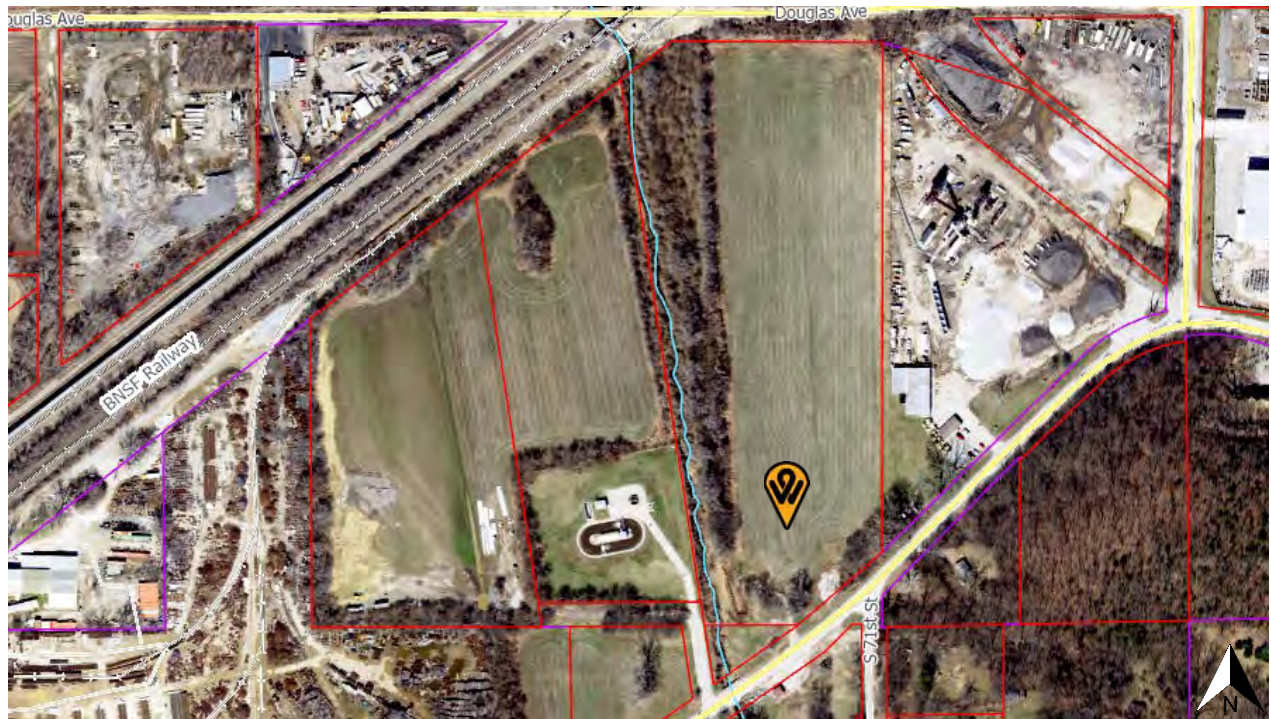
- architectural screen adjacent to the property line and one (1) row of shade trees spaced not more than 40 feet on center and one (1) row of large shrubs spaced not more than 8 feet on center;
5. Any proposed fencing along Holliday Drive (street facing) shall have masonry columns installed 32 feet running;
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 10. A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;

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

ATTACHMENTS

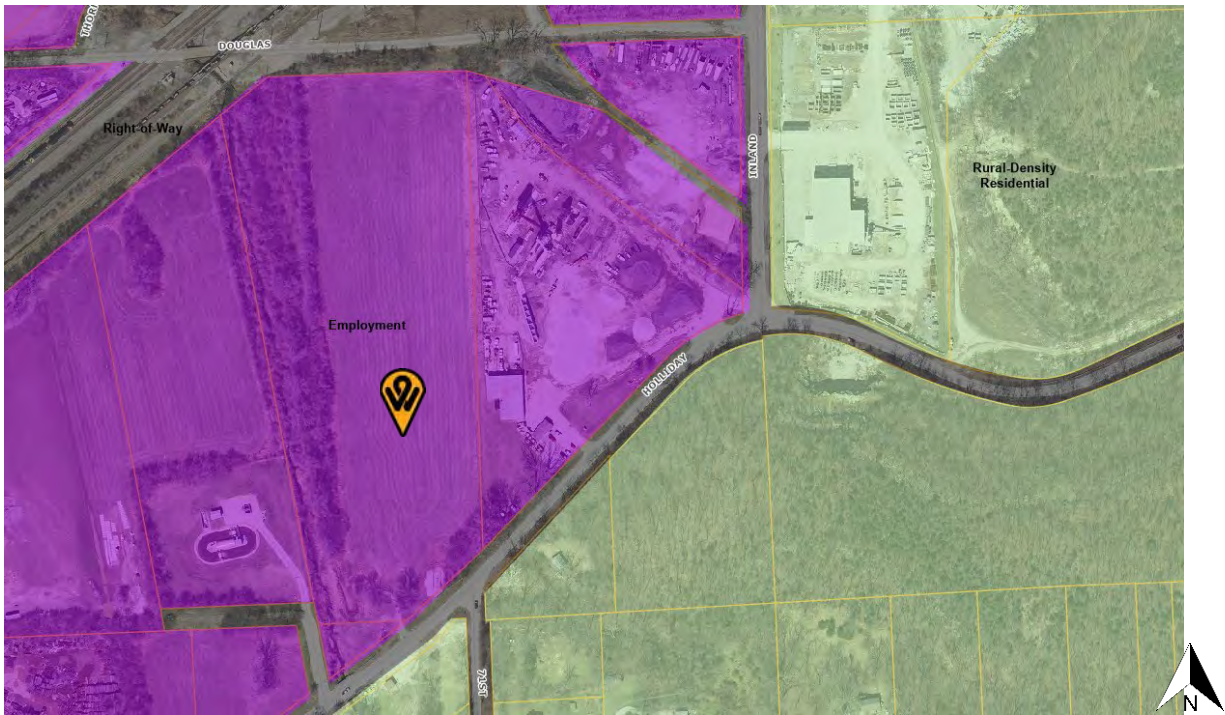
AERIAL IMAGERY



ZONING MAP

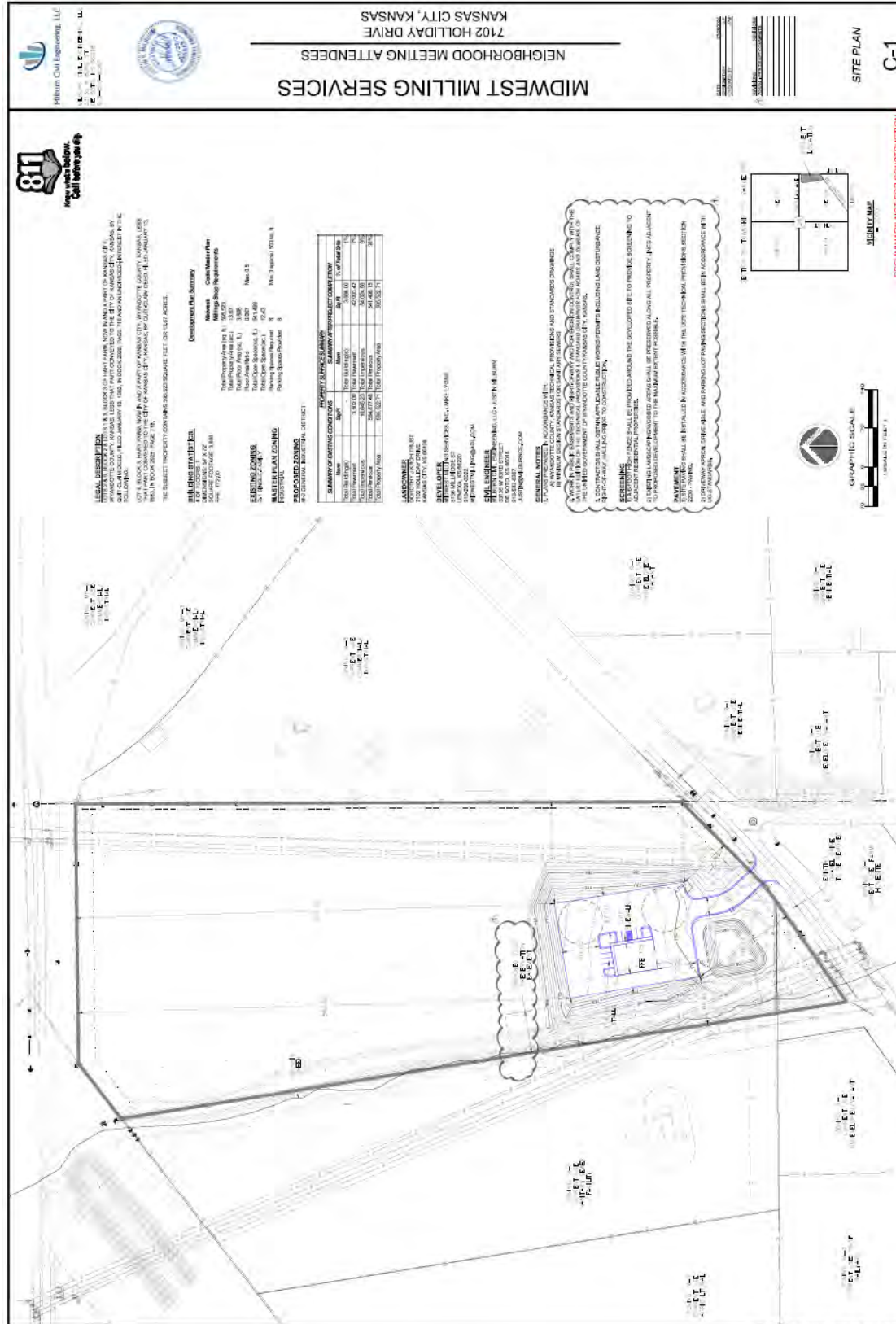


LAND USE MAP



[illegible]

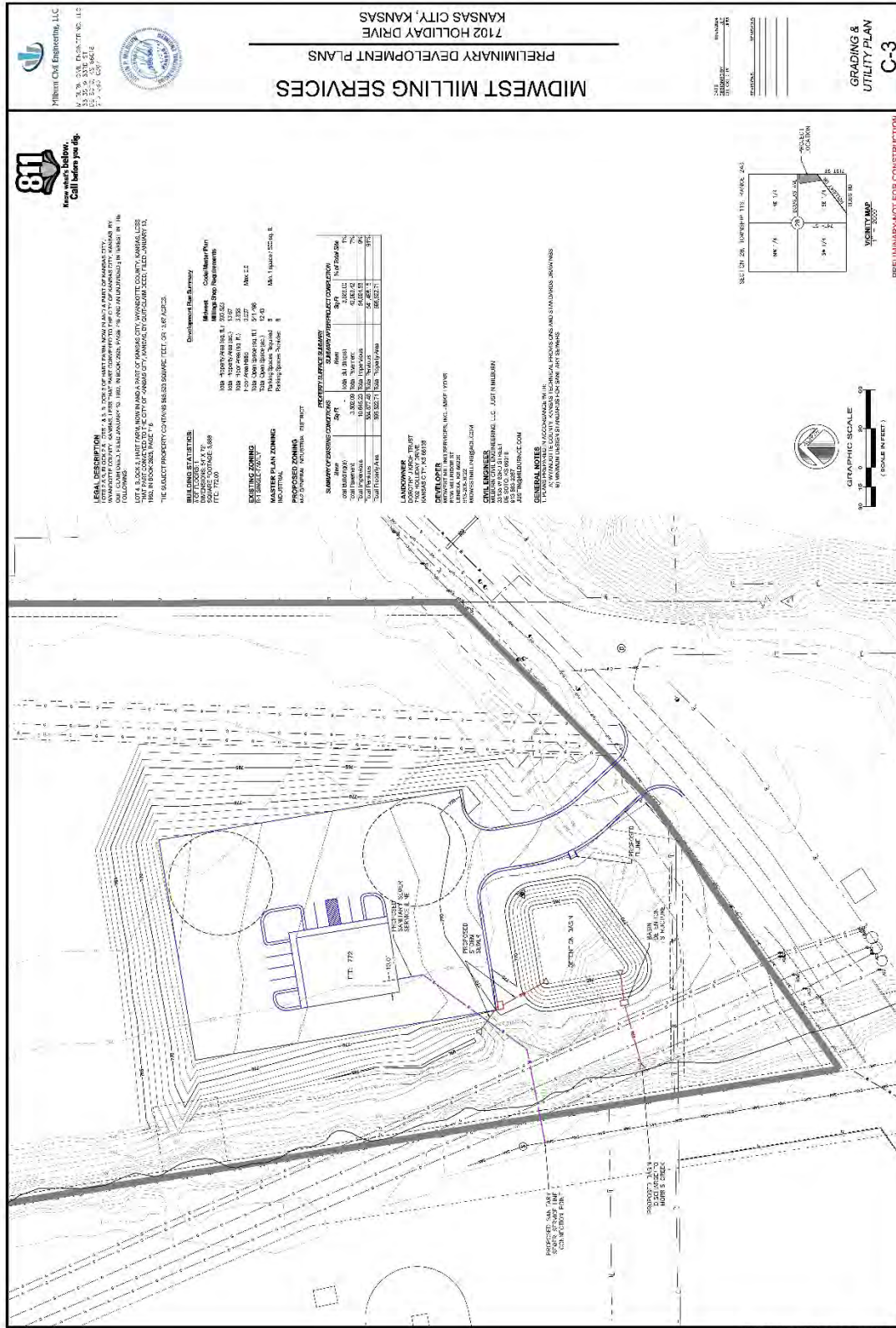
SITE PLAN



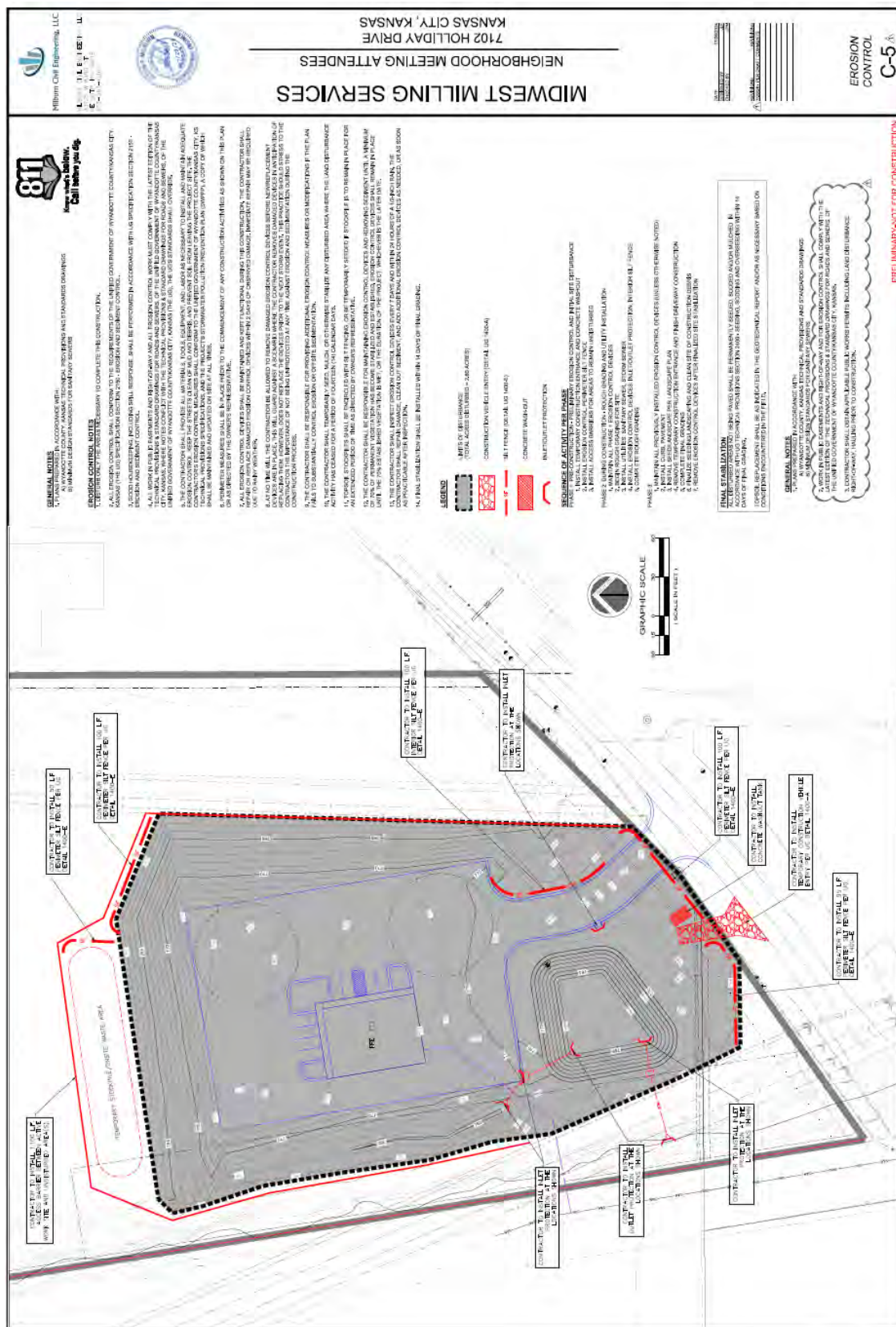
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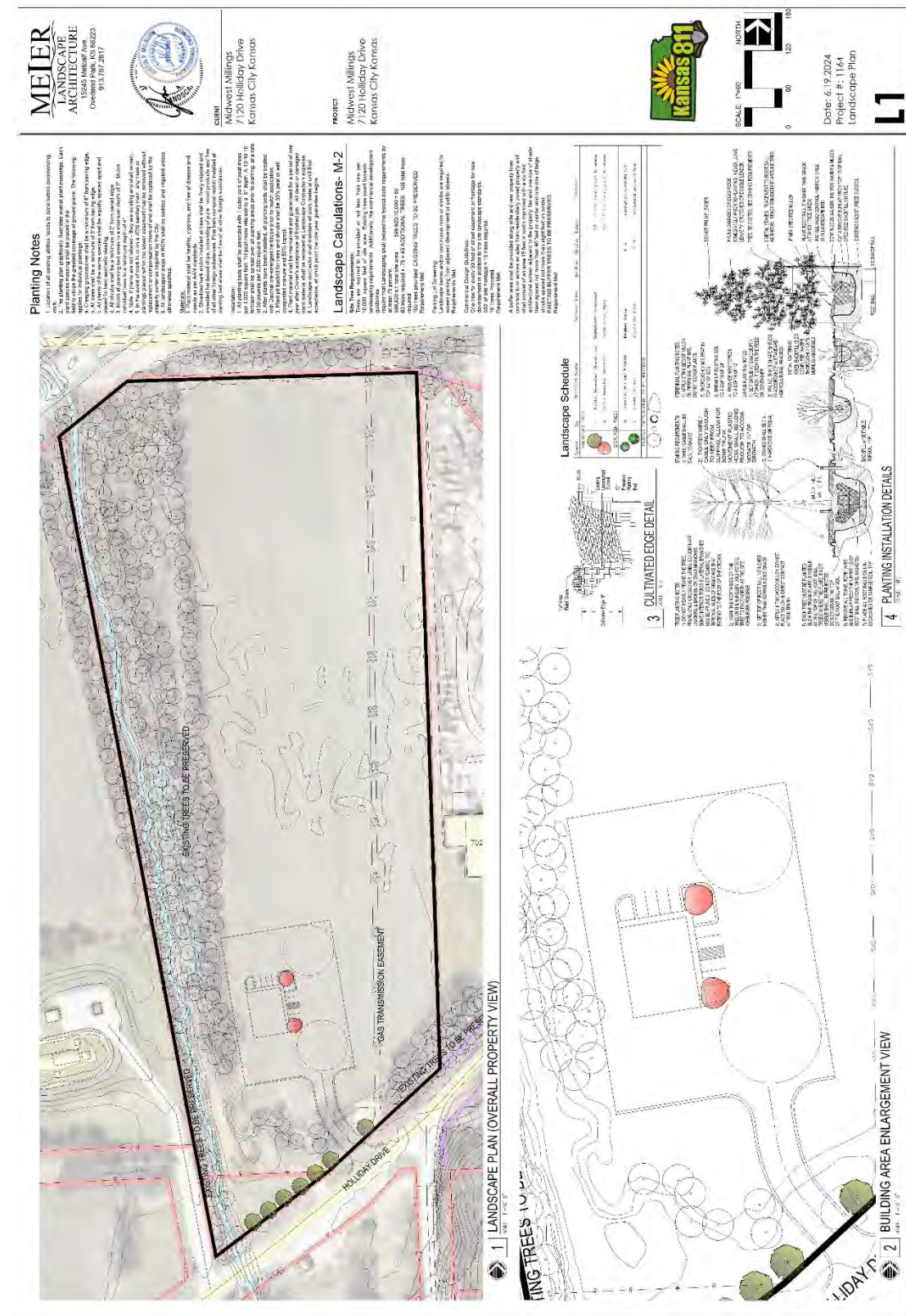
GRADING AND UTILITY PLAN



22



23

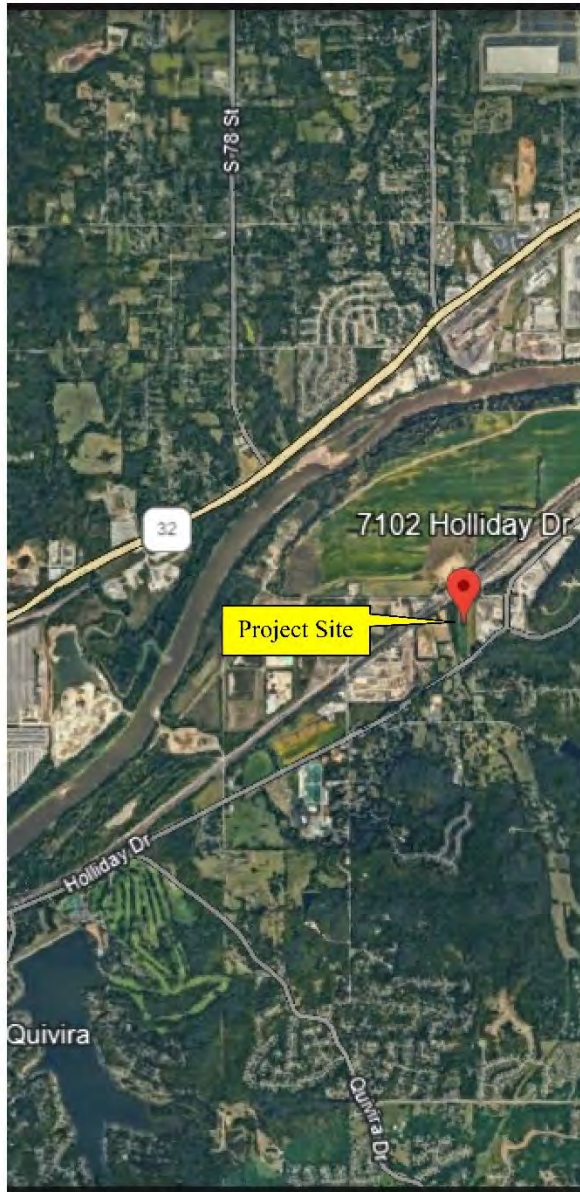


BUILDING ELEVATIONS EXAMPLE



BUILDING ELEVATIONS





Basic Traffic Impact Data for Midwest Milling Services

7102 Holliday Drive
Kansas City, Kansas

Prepared
for
Milburn Civil Engineering, LLC

Prepared
By



Serving Communities Through Excellence
Missouri | Kansas | Michigan | California



Mehrdad Givechi, P.E., PTOE
June 2024

Proposed Development Plan

Location Description – The proposed development site is an undeveloped parcel of land located at 7102 Holliday Drive on the northwest corner of the intersection of Holliday Drive and S. 71st Street in Kansas City, Kansas, Wyandotte County, KDOT's District 1, Area 3. It is bounded by Douglas Avenue to the north, a light industry (*JM Fahey Construction, Asphalt Plant 1*) to the east, Holliday Drive to the south, a creek to the west and railroad tracks to the northwest as shown on the ***Location Map, Figure 1 of the Appendix***.

Zoning – The project site is currently zoned as residential single family (R-1). The proposed zoning will be general light industrial (M-2).

Land Use – The proposed development is an asphalt milling contractor shop (*Midwest Milling Services*) with a service shop and storage yard for equipment. It is comprised of a building with a gross floor area of approximately 4,000 sq. ft. staffed by 4 employees. The facility will be open for operation on weekdays and an occasional Saturday from 5:30 am to 5:30 pm during the paving season; approximately 200 days per year.

Access – The site is currently served by a gravel driveway on Holliday Drive. Under the proposed development plan, this driveway will be eliminated, and a new asphalt driveway with curb and gutter sections will be constructed approximately 98 ft. to the east of the gravel drive. The new driveway will have a pavement width of 30 ft. (edge-of-pavement to edge-of-pavement), a 2 ft. wide curb and gutter section with curb return radius of 20 ft. on each side as illustrated on the ***Site Plan, Figure 2 of the Appendix***. The center line of this driveway will be located approximately 114 ft. west of the S. 71st Street centerline having a positive offset where the opposing left turn movements on Holliday Drive will not conflict with one another.

Roadway Designations - According to the *Major Streets Plan Update of the Wyandotte County Strategic Mobility Plan, goDotte*, dated August 2022:

- Holliday Drive is classified as “Major Collector” on the *Functional Classification Map* with land use characteristic of “Industrial” along the rural edge. It is designated as “Bike Route” on the *Planned Bike Route for 2022 STMP Update* and designated as “Greenway/Streamway” on the *Planned Trails for 2022 STMP Update*.
- S. 71st Street is not classified on the *Functional Classification Map* and is located partially in the “Industrial” land use area and partially in the “Rural” zone. It has no designation on either the *Planned Bike Route for 2022 STMP Update* or the *Planned Trails for 2022 STMP Update*.

Roadway Lane Configurations and Operating Characteristics –

- Holliday Drive is a 2-lane roadway with 24 ft. wide asphalt pavement, open drainage system, no shoulders, no sidewalks and a posted speed limit of 30 mph.
- S. 71st Street is also a 2-lane roadway with 18 ft. wide asphalt pavement, open ditch drainage system, no shoulders, no sidewalks and a posted speed limit of 25 mph.
- The intersection of Holliday Drive and S. 71st Street is a “T” intersection controlled by a stop sign on S. 71st Street with one lane on each approach.

Trip Generation Analysis

Trip generation of a proposed land development project is typically estimated using trip generation rates suggested by the latest edition of the *Trip Generation Manual published by the Institute of Transportation Engineers (ITE), Currently 11th Edition*. For this study, the *ITE Land Use Codes 110 (General Light Industrial)* is evaluated as the most relevant land use type with “number of employees” and “gross floor area” as the independent variable. The results, as shown in the **Appendix**, indicate that the trips generated by the employees are likely:

- On average, 2 trip-ends (2 inbound and 0 outbound) during morning peak-hour of adjacent street on a typical weekday.
- On average, 2 trip-ends (0 inbound and 2 outbound) during afternoon peak-hour of adjacent street on a typical weekday.
- On average, 12 trip-ends during a 24-hour period.

In summary, the proposed development will likely generate a nominal amount of traffic (less than 5 vph) during the peak hour of a typical weekday.

Sight Distance Analysis

Using the guidelines suggested in the AASHTO "Green Book" 2011, 6th Edition, the required intersection sight distances (ISD) were compared to the respective field measured values at the proposed driveway location. The results, as summarized in the following paragraph, indicate sight distance for the right turn movement (exiting the site) at the proposed driveway on Holliday Drive is restricted due to overgrown vegetation and low hanging trees along the north side of Holliday Drive just east of the said driveway. It is therefore recommended that the vegetations within the clear zone be cut down to a maximum height of 3.5 ft. above the roadway level; and any low hanging tree branches (below 7.5 ft. from the ground level) be removed. No other sight distance restriction is observed for any other movements at the proposed driveway locations.

Reasoning:

2-lane roadway on relatively flat terrain

Proposed driveway approach grade: $-3\% < g < +3\%$

Posted speed limit = 30 mph

Driveway on Holliday Drive

Req. ISD for passenger car (left turn) = 335 ft. < field measured: greater than 1,000 ft. OK

Req. ISD for passenger car (right turn) = 290 ft. > field measured = 265 ft. **(Restricted due to overgrown vegetation east of the driveway, but not restricted because of the roadway alignment)**

Req. ISD for truck (left turn) = 510 ft. < field measured: greater than 1,000 ft. OK

Req. ISD for truck (right turn) = 465 ft. < field measured = 265 ft. **(Restricted due to overgrown vegetation east of the driveway, but not restricted due to the roadway alignment.)**

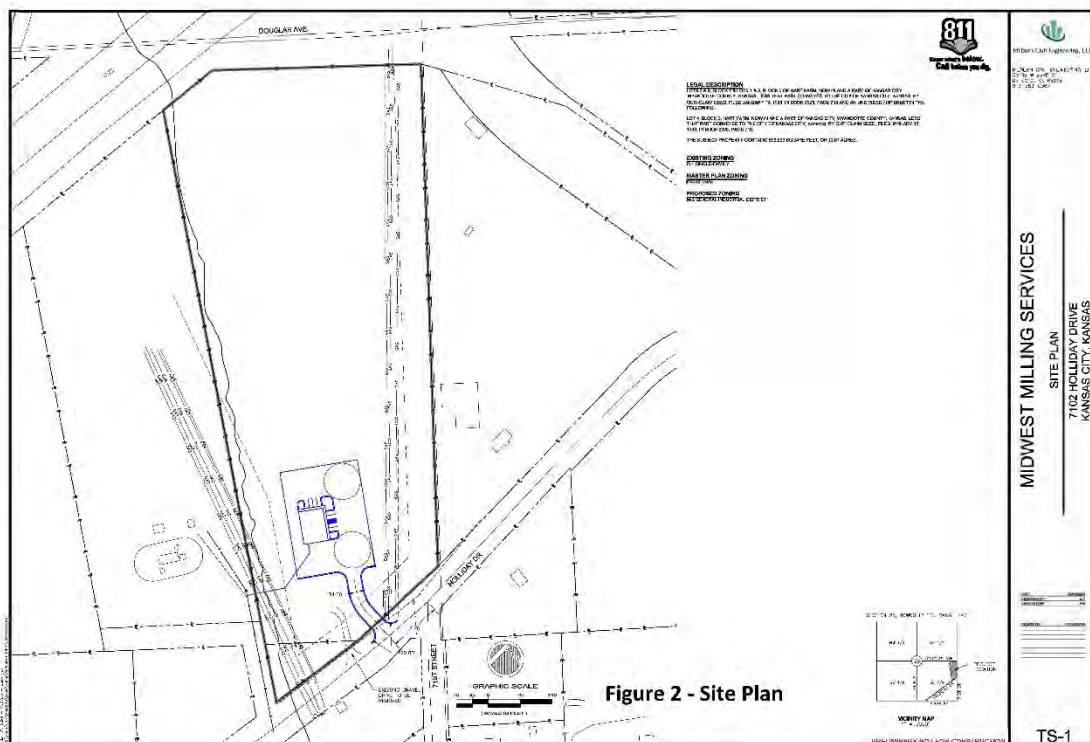
MGS

June 2024

APPENDIX



Figure 1 - Location Map



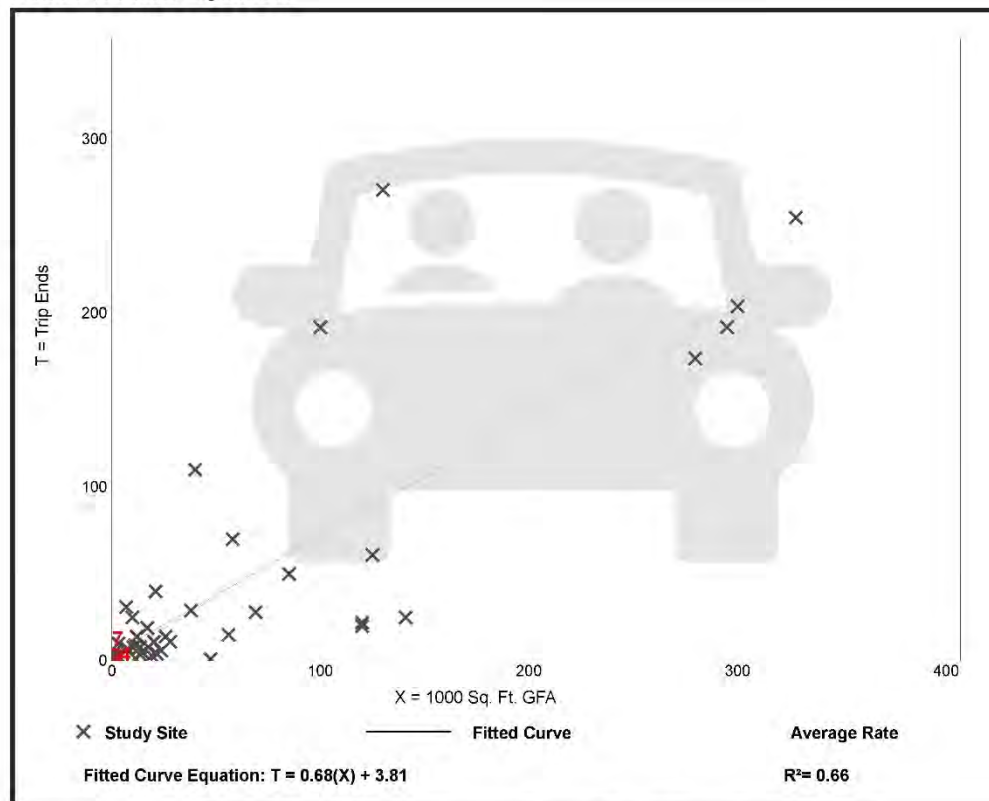
General Light Industrial (110)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 41
 Avg. 1000 Sq. Ft. GFA: 65
 Directional Distribution: 88% entering, 12% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.74	0.02 - 4.46	0.61

Data Plot and Equation



Trip Gen Manual, 11th Edition

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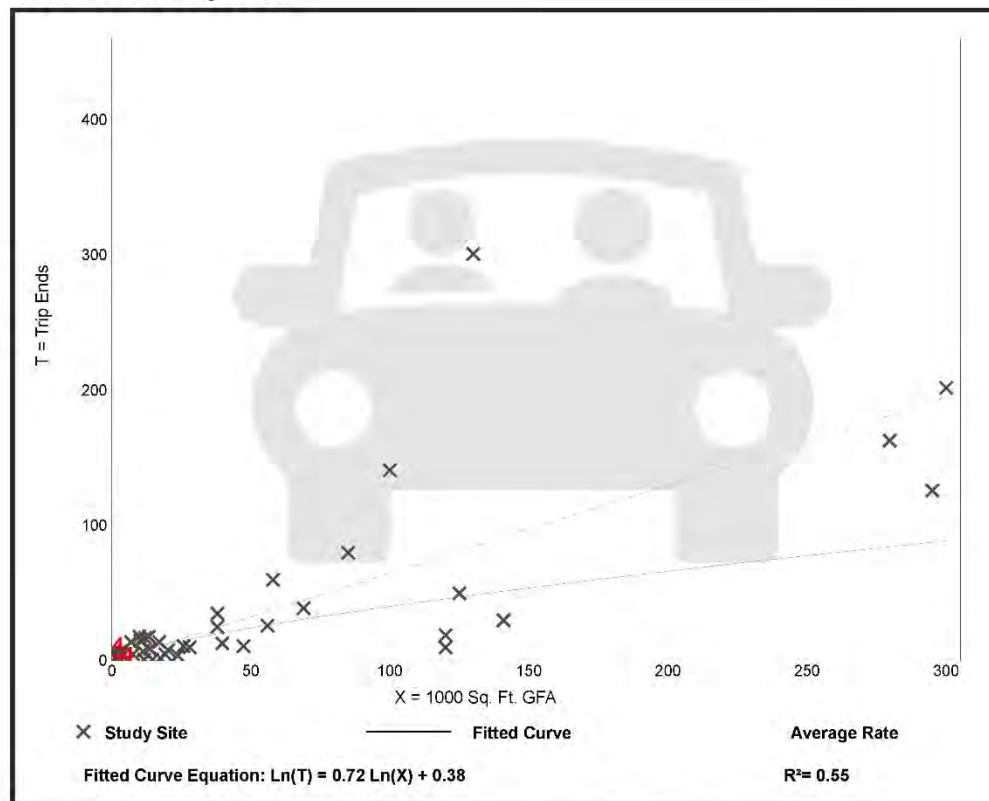
General Light Industrial (110)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 40
 Avg. 1000 Sq. Ft. GFA: 58
 Directional Distribution: 14% entering, 86% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.65	0.07 - 7.02	0.56

Data Plot and Equation



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General Light Industrial (110)

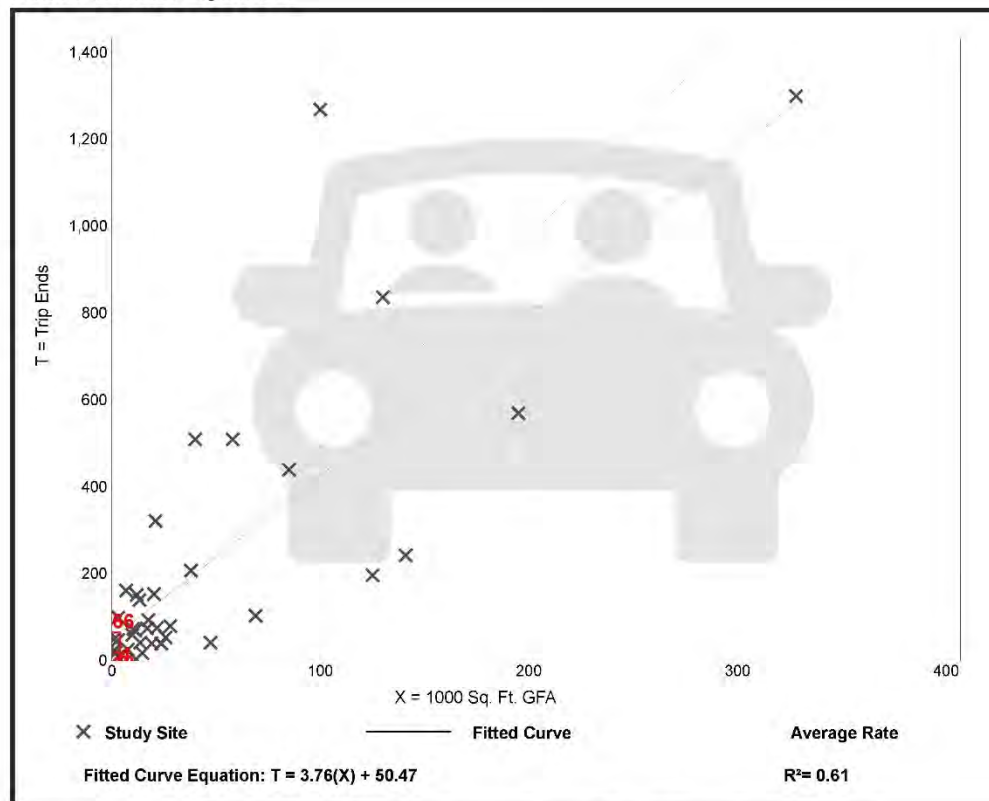
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 37
Avg. 1000 Sq. Ft. GFA: 45
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
4.87	0.34 - 43.86	4.08

Data Plot and Equation



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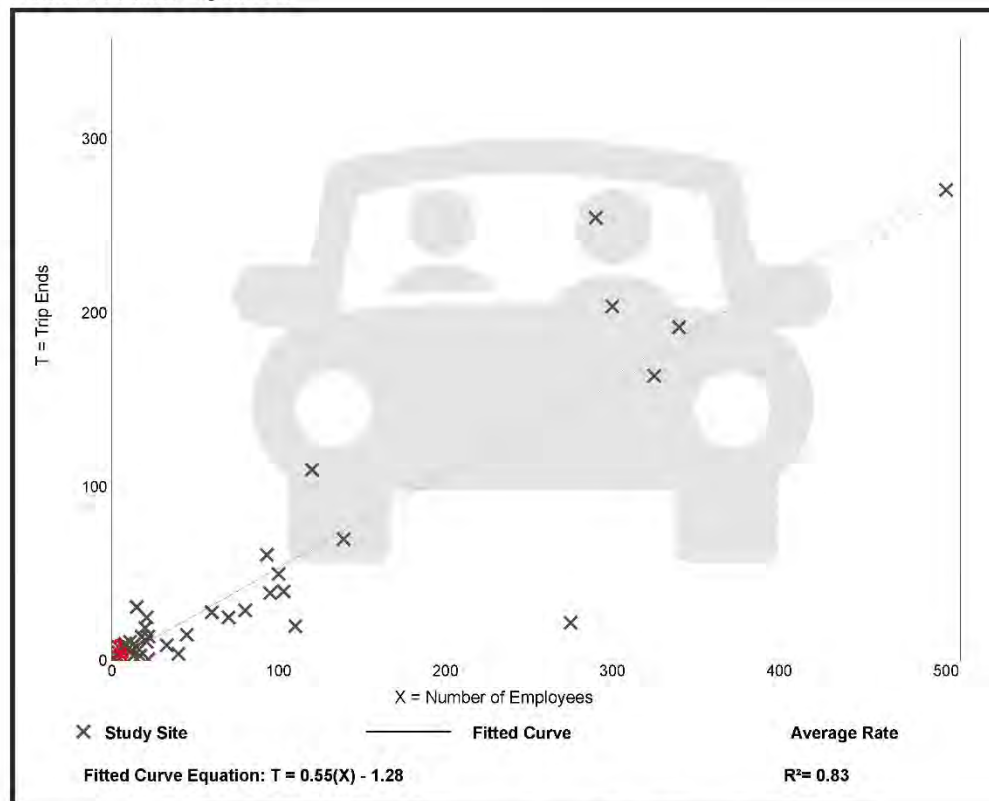
General Light Industrial (110)

Vehicle Trip Ends vs: Employees
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 41
 Avg. Num. of Employees: 83
 Directional Distribution: 83% entering, 17% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
0.53	0.05 - 2.07	0.27

Data Plot and Equation



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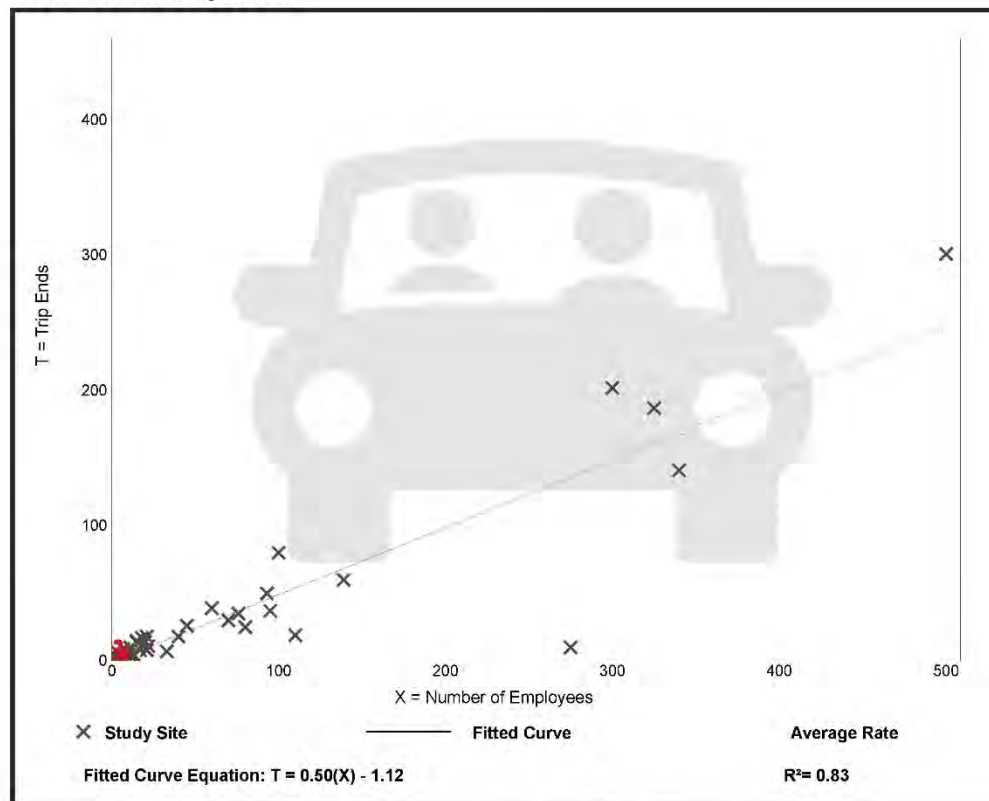
General Light Industrial (110)

Vehicle Trip Ends vs: Employees
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 39
 Avg. Num. of Employees: 75
 Directional Distribution: 22% entering, 78% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
0.49	0.04 - 2.33	0.22

Data Plot and Equation



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General Light Industrial (110)

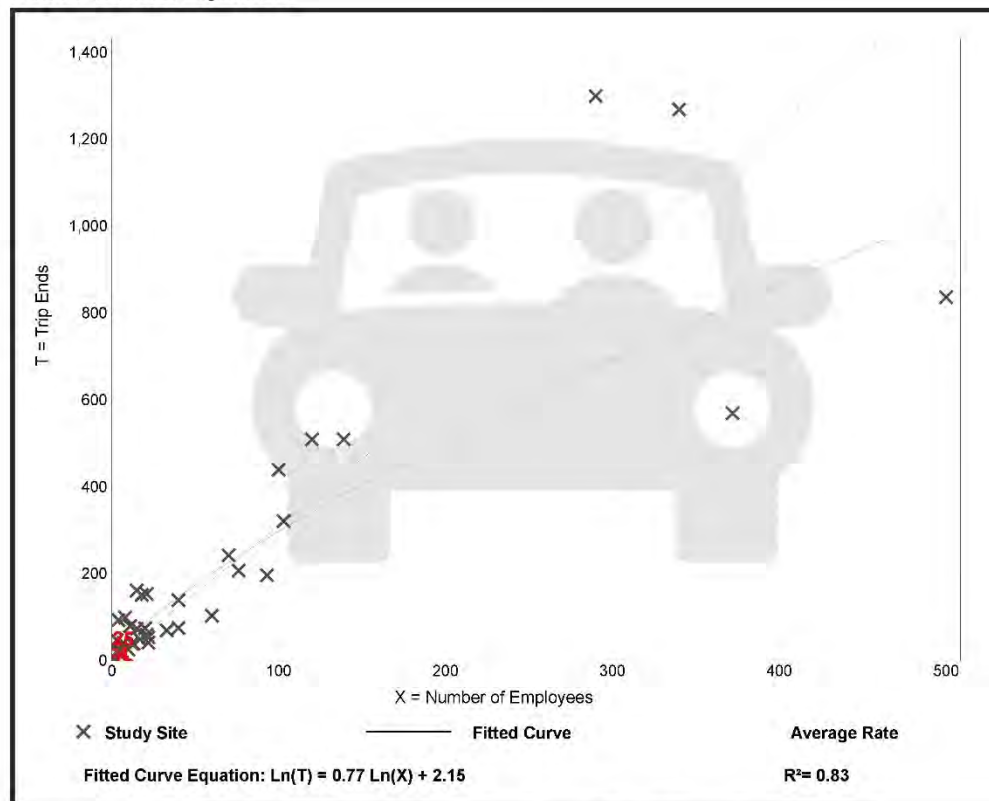
Vehicle Trip Ends vs: Employees
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 37
Avg. Num. of Employees: 71
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
3.10	1.53 - 23.50	1.81

Data Plot and Equation



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Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Patrick Doyle, Engineering Manager

DATE: July 15, 2024

SUBJECT: Justin Milburn – (COZ2024-021)
7102 Holliday Drive
General Engineering Review No. 1 (of the plans sealed 6/27/2024, received
6/28/2024)

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) On the cover sheet and other sheets where applicable, include the following notes:
 - a) “Work in public easements and right-of-way and for erosion control shall comply with the latest edition of the *Technical Provisions & Standard Drawings for Roads and Sewers*, of the Unified Government of Wyandotte County/Kansas City, Kansas.”
 - b) “Contractor shall obtain applicable Public Works permits including land disturbance, right-of-way, hauling prior to Construction.”
- 2) Provide any easements (gas pipeline) as required including access obstruction, off-site discharge of runoff or fill, temporary construction, drainage, sanitary sewer, and cross-access.
- 3) See Erosion Control review for additional comments.
- 4) See Storm Drainage review for additional comments.
- 5) See Sanitary Sewer review for additional comments.

Reviewer: _____

Patrick Doyle, Engineering Manager



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
www.wycock.org/planning

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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Patrick Doyle, Engineering Manager

DATE: July 15, 2024

SUBJECT: Justin Milburn – (COZ2024-021)
7102 Holliday Drive
Sanitary Sewer Review No. 1 (of the plans sealed 6/27/2024, received 6/28/2024)

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 Sanitary Sewer 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 PE sealed sanitary sewer memo describing flow, material and installation.

Reviewer: _____

Patrick Doyle, Engineering Manager



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
www.wycock.org/planning

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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Patrick Doyle, Engineering Manager

DATE: July 15, 2024

SUBJECT: Justin Milburn – (COZ2024-021)
7102 Holliday Drive
Storm Drainage Review No. 1 (of the plans sealed 6/27/2024, received 6/28/2024)

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 Storm Drainage 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) For permit:
 - a) Provide drainage study describing water quality objectives.
 - b) Provide landscape plan for native plantings to achieve (a).
 - c) Provide O&M manual for detention.
 - d) Detail discharge structure.

Reviewer: _____

Patrick Doyle, Engineering Manager



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Patrick Doyle, Engineering Manager

DATE: July 15, 2024

SUBJECT: Justin Milburn – (COZ2024-021)
7102 Holliday Drive
Erosion Control Review No. 1 (of the plans sealed 6/27/2024, received
6/28/2024)

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 Erosion Control 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.**

Provide erosion control plan including the following:

1. Note work shall conform to requirements of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG) Specification Section 2150 - Erosion and Sediment Control.
2. Add a "good housekeeping" note, i.e., "Good housekeeping, including spill response shall be performed in accordance with UG Specification Section 2150 - Erosion and Sediment Control."
3. Indicate limits of disturbance.
4. On the erosion control plan, indicate location of temporary material stockpile or onsite waste area(s) in the case that excavated material, or topsoil needs to be temporarily stored or wasted on site, and provide downstream erosion control protection.
5. Personnel responsible for directing installation and maintenance of erosion control measures shall have completed within the previous 24 months a minimum of 7 hours (or 14 hours lifetime) of training in construction site erosion and sediment control.

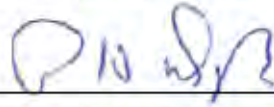
PLANNING ENGINEERING COMMENTS

6. On the erosion control plan add note:
“All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. Where notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG’s standards shall override.”
7. Add a note regarding clean streets, and SWPPP (if applicable), etc. For example: The contractor shall provide all materials, tools, equipment, and labor as necessary to install and maintain adequate erosion control, keep the streets clean of mud and debris, and prevent soil from leaving the project site. The contractor’s erosion control measures shall conform to the Unified Government of Wyandotte County, Kansas City, KS Technical Provisions specifications, and the project’s Stormwater Pollution Prevention Plan, a copy of which shall be maintained and updated on site at all times.
8. Add a note regarding the contractor shall install erosion control devices before starting any construction activity. The note could indicate which types of devices shall be installed, or reference the pre-construction plan, i.e., construction entrance, silt fence perimeter control, inlet protection, etc.
9. Provide a rock construction access on all phases prior to completion of paved surfaces on the site to reduce the tracking or flowing of sediment onto paved roadways (or other impervious surfaces).
10. Provide a concrete washout tank on all phases with concrete deliveries to site.
11. Add a note regarding additional measures, i.e., The contractor shall be responsible for providing additional erosion control measures or modifications when the plan fails to substantially control erosion or offsite sedimentation.
12. Add a note regarding temporary seeding, i.e., The Contractor shall temporarily seed, mulch, or otherwise stabilize any disturbed area where the land disturbance activity has ceased for a period of fourteen (14) calendar days.
13. Add a note regarding 70% vegetation, i.e., The contractor shall be responsible for maintaining erosion control devices and removing sediment until a minimum of 70% of permanent vegetation has become stabilized and established. Erosion control devices shall remain in place until the 70% established vegetation is met, or the duration of the project, whichever is the later date.
14. Add a note the contractor shall inspect erosion control devices every 7 days and within 24 hours of a ½-inch rain. The contractor shall repair damage, clean out sediment, and add additional erosion control devices as needed, or as soon as practicable after inspection.
15. Show vegetation type and location on final stabilization plan. Stabilization shall be installed within 14 days of final grading. Indicate a thickness for proposed topsoil replacement.

PLANNING ENGINEERING COMMENTS

16. When applicable, provide erosion control measures for milestones of development: grading, utility, roads, structure erection and final development.

Reviewer: _____



Patrick Doyle, Engineering Manager

RESPONSE TO PLANNING ENGINEERING COMMENTS



Milburn Civil Engineering, LLC

33135 W 83rd Street
De Soto, KS 66018
913-583-0367
justin@milburnce.com

7/25/2024

Mr. Patrick Doyle, Engineering Manager
Unified Government of Wyandotte County, Kansas City, Kansas
Department of Planning + Urban Design
701 N 7th Street, Suite 423
Kansas City, Kansas 66101



RE: 7102 & 7102 R Holliday Drive
Rezoning Application COZ2024-021

Mr. Doyle,

The Midwest Millings rezoning project located at 7102 & 7102 R Holliday Drive includes a proposed industrial site composed of an approximately 4,000 square foot building and the necessary parking and infrastructure. The building will be a shop and storage space for equipment and will be staffed by 4 employees. As part of the rezoning submittal process, we are submitting this letter as requested in the "Sanitary Sewer Review No. 1" memorandum dated 07/15/2024.

The proposed sanitary sewer service line for the new building will tie into the existing DIP sewer main via saddle approximately 17' upstream of an existing manhole, which is located approximately 245 feet North and 20 feet West of the southwest subject property corner. This sanitary sewer manhole is the last manhole upstream of the water treatment facility located to the west.

The Design flow was calculated using 0.015 cfs/acre in accordance with the Minimum Design Standards for Sanitary Sewer of the Unified Government of Wyandotte County, Kansas City, Kansas dated June 22, 2007. The calculated design flow for the project (approximately 3-acre developed site) is 0.05 cfs. The proposed sanitary sewer service line will be 4" DIP at a minimum of 2% slope and installed in embedment in accordance with UG's Technical Provisions Section 2500 – Sanitary Sewer. The design capacity is 0.27 cfs, which is adequate to carry the design flow of 0.05 cfs.

Please feel free to contact me if you have any questions or comments regarding this study as submitted.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin Milburn", written over a faint circular background.

Milburn Civil Engineering, LLC
Justin Milburn, Principal Engineer

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF JOHNSON)

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

1. That I am the petitioner for Petition #COZ2024-021.
2. That I conducted a neighborhood meeting on 07/25/2024.
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.

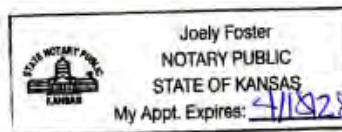
Further affiant saith not.

Justin Milburn
Affiant

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

My commission expires April of 18th, 20 28

Joely Foster
Notary Public



SIGN IN

Neighborhood Meeting – COZ2024-021
 7102 & 7102R Holiday Drive
 Date: 07/25/2024 @ 6:00 p.m.
 Location: Grinter Place, 1420 S 78th Street, KCKS 66111

Name	Address/Company	Email/Phone #
Jessica Fox	Milburn Civil Engineering	jfox@milburnce.com
THOMAS CHAFFON	6205 HOLIDAY DR	CHAFFON.TOMTAY@AOL.COM
Doris Bailes	2526 S. 73rd St	clhbailes@aol.com
Tracey Bailes	2526 S 73rd St	clhbailes@aol.com
Sheila Bunnell	7028 Berry Rd	bbynki@yahoo.com
Karen Schibi	3101 S. 54th St.	913 484 6037

Midwest Millings Neighborhood Meeting Minutes

Application Number: COZ2024-021

Date and Location: July 25, 2024 at Grinter Place (1420 S 78th Street, KCKS 66111)

Meeting called to order at: 6:00 p.m.

People in attendance:

Petitioner:

Jessica Fox – Milburn Civil Engineering
Justin Milburn – Milburn Civil Engineering

Developer:

Mike T. Lyons – Midwest Milling
Mike Lyons – Midwest Milling

Neighbors:

Thomas Crafton (6205 Holliday Drive)
Denis Bailes (2526 S 73rd Street)
Tracey Bailes (2526 S 73rd Street)
Sheila Bunnell (7028 Berry Road)
Karen Schibi (3101 S 54th Street)

Introductions:

Justin Milburn introduced himself and the developer, Midwest Millings.

Presentation:

Presentation was given by Justin Milburn, starting with an overview of the project.

Midwest Millings currently has 7102 & 7102 R Holliday Drive under contract and are proposing to build an approximately 4000 square foot shop (54' x 72') for their business, including the necessary parking and infrastructure. As a part of this process, we are looking to rezone the property from R-1 to M-2, General Industrial District.

The site is approximately 13.5 acres in total and is bordered by Fahey Construction on the east side, a Kansas City Kansas pump station on the west side, BNSF Railroad right-of-way on the north side, and residential property south of Holliday Drive.

As a part the Rezoning process we have submitted a development plan to the city for review. One of our main objectives is to minimize disturbance to existing trees/wooded areas with development of the site. The proposed development plan is in-line with the future "Industrial" land use of this parcel, per the citywide Master Plan.

Detention will be provided to control run-off from the site. Traffic should be minimal, as the site will be used as an office and shop for their equipment, with 4 employees on site. During the summer, the equipment will be out on location and the shop will be used for repairing

equipment and as an office to prepare bids. During the winter, the equipment would be stored on-site.

Regarding the project timeline, we are working with staff to address any concerns. We are currently scheduled to go to the Planning Commission on 8/12/2024 and the Board of Commissioners on 8/29/2024.

Questions (who asked, what asked, who answered, what answered):

Thomas Crafton: Expressed concerns with truck traffic on Holliday Drive, as the road has caved-in in the past due to traffic from Fahey Construction.

Mike T. Lyons: We will be using the Holliday Drive site as a shop for repairing our equipment and a small office – the equipment will be out on different construction sites during the summer and would remain on those sites until those jobs are complete. The equipment would be brought back to the Holliday Drive site only for maintenance and/or repair during the summer and for storing the equipment during the winter when it is not in use. Large vehicle traffic to the Holliday Drive site will be minimal.

Thomas Crafton: What about release of silicates with the milling of asphalt, which is a known carcinogen?

Mike T. Lyons: No milling will be taking place at the proposed Holliday Drive site. All milling will take place out in the field on various construction sites. The Holliday Drive site is to be an equipment repair shop and office only.

Thomas Crafton: Expressed concern with commercial development occurring in residential neighborhoods, believes this is too close to his house and the adjacent residential. Expressed concern that an asphalt plant tried to open in this location before.

Mike T. Lyons: Clarified the location of the proposed site. We are farther to the west than the previous development that was proposed. Clarified that this will be a shop to repair equipment and store it in the winter, and not a plant.

Thomas Crafton: How much traffic will be going to the site?

Justin Milburn: We have submitted a traffic study that has been accepted by the city, we anticipate minimal traffic to the site on a regular basis.

Mike T. Lyons: It will be a building with 1 garage door that can store 2 mills inside. 4 employees will be on site. Minimal daily traffic.

Sheila Bunnell: Expresses concern that she did not receive a notice for the Neighborhood Meeting and doesn't think that any of the neighbors received a notice. Questions if notices were mailed to the wrong neighborhood.

Justin Milburn: Notices were mailed to all property owners within 200' of the proposed development, the list of contact information being provided by the city.

Sheila Bunnell: Inquired about anticipated sound coming from site, can hear everything at Fahey and it's already noisy enough.

Mike T. Lyons: Site will be predominantly used in winter. Only 1 pick up in & out per day on regular basis. In summer it will be a shop for preventative maintenance and an office for doing bids. We are not like Fahey, not an asphalt mill/plant, just a shop to repair, maintain and store machinery and equipment. No heavy trucks coming in and out.

Justin Milburn: Building will be a Morton type building with masonry on the right-of-way side. A proposed building elevation was displayed at the meeting.

Sheila Bunnell: Which side of the building will face the street?

Mike T. Lyons: The garage door side.

Denis Bailes: Will there be any milling or grinding done on site?

Mike T. Lyons: No.

Thomas Crafton: Will you be storing mills on site?

Mike Lyons: No, the millings would go elsewhere, no storage piles planned on-site. It doesn't behoove us to store on site, we sell the millings to other individuals and could take it and sell it to Fahey next door. There won't be any sound in the early a.m. or on weekends.

Thomas Crafton: What about overflow storage of excess millings?

Mike T. Lyons: We can't say that there won't ever be any millings on the site; however, any storage of mills would be short-term (couple of days/weeks).

Sheila Bunnell: What are the plans for the open space in back?

Mike T. Lyons: No current plans for the open space. Any future plans for development of this area, such as storage, would go through the development submittal and review process.

Justin Milburn: We have several petroleum lines on site, so we are limited in the space we can develop.

Sheila Bunnell: What are the plans for the creek? There is one just to the east of the proposed driveway, near the house at 71st that is currently for sale.

Justin Milburn: No plans/changes for existing creeks. We will be raising the site up above the floodplain for the adjacent Morris Creek. The site will be graded to drain to a detention basin at the southwest corner. The basin will discharge to Morris Creek, and flows will be metered from the detention basin to match pre-development flows.

Sheila Bunnell: Any plans for the mosquito problem in this area?

Thomas Crafton: And standing/stagnant water issues?

Justin Milburn: No current plans. Unaware of existing issues that are being discussed. Site will be drained to dry detention basin.

Thomas Crafton: Where are the petroleum lines?

Justin Milburn: pointed out location of the petroleum lines on Google Earth image.

Sheila Bunnell: How will the property be sewerred? We have lots of the neighborhood on septic.

Justin Milburn: We are crossing Morris Creek and tying into the sanitary sewer to the west of the property.

Denis Bailes: Main concerns are dust, traffic, noise, and # of employees on site.

Thomas Crafton: Also concerned with storage piles that can attract rodents, etc. Indicated a previous company located on Holliday Drive closed and left a mess that attracted pests.

Mike T. Lyons: We will take care of our site and maintain it in an orderly manner, we're looking to be in this for the long haul. As a repair shop, no dust is expected, and noise should be minimal. Traffic will be minimal with 4 employees working on site.

Sheila Bunnell: Saw the neighborhood meeting being advertised on Facebook, did not receive a notification.

Justin Milburn: Only those within 200 feet of the property were notified.

Sheila Bunnell: Why only 200 feet?

Justin Milburn: That is what is required and provided by the city.

Sheila Bunnell: I can see this site from my house, I should have been notified. The only residential houses notified are vacant

Justin Milburn: Understand.

Thomas Crafton: We have been lied to in the past by the county.

Sheila Bunnell: I understand that 200' is the requirement.

Mike Lyons: We aren't trying to sneak anything past anyone, we want to be a good neighbor, if the gates are open – come on in.

Mike T. Lyons: We're providing landscaping and an aesthetically pleasing building, also including some fencing around the property to screen it.

Sheila Bunnell: I have a good view now.

Thomas Crafton: Usually the city wants a 4' berm with greenery.

Mike T. Lyons: With the future land use being Industrial, someone is going to build something here eventually. We plan to operate during normal business hours, with minimal disturbance to the neighborhood. We try to be good neighbors and will mostly be here during the winter. We believe we are one of the least invasive industrial uses.

Sheila Bunnell: You would probably have more people if the notices were sent to the right people.

Justin Milburn: Are there any additional questions? Does everyone feel more at ease with the project now?

Denis Bailes: I feel more at ease now.

Sheila Bunnell: Everyone wants this land.

Karen Shibi: We have concerns with the undermined area of Holliday Drive and it caving in due to development in that area. It doesn't sound like you are building in the undermined area though.

Mike T. Lyons: We expect to be here for 50 years, we are in this for the long term.

Mike T. Lyons and Justin Milburn handed out their business cards to those in attendance.

Mike T. Lyons: Please call us with any questions you might have. Also, please share the information with your neighbors and have them call us with any concerns they may have.

Meeting adjourned at: 7/25/2024 at 6:35 p.m.

Minutes taken by: Jessica Fox for Milburn Civil Engineering, LLC

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JULY 12, 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: August 29, 2024

Re: Change of Zone Petition COZ2024-022

GENERAL INFORMATION

Applicant Information:

Roger Barrett
SK Design Group
4600 College Boulevard, Suite 100
Overland Park, KS 66211

Subject Property:

4225 Mission Road
Kansas City, KS 66103

Requested Action and Purpose:

Approval of a Change of Zone to
construct a 24-unit apartment
building.

Commission Districts:

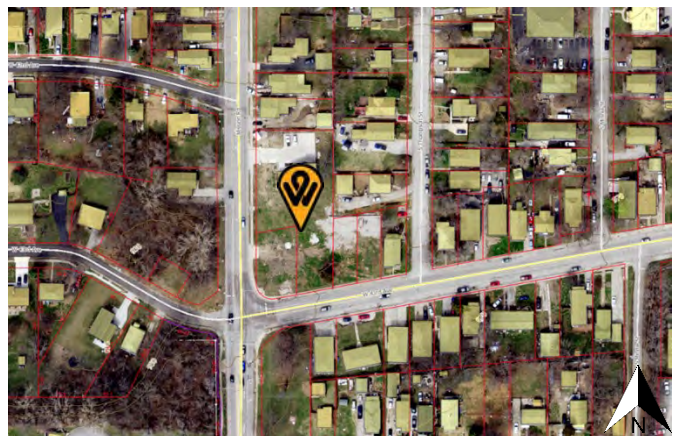
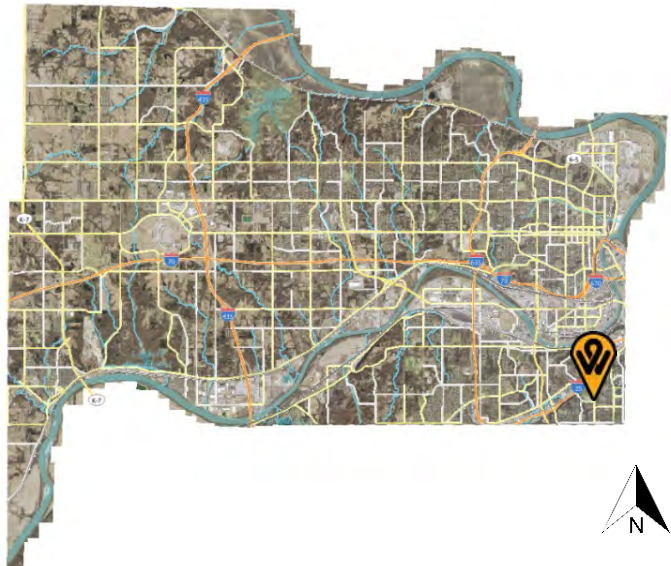
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-2(B) Two-Family District

Proposed Zoning District(s):

TND Traditional Neighborhood
Design T-4 (Transect 4)



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-Family Home
South	R-2(B) Two Family and CP-0 Planned Nonretail Business Districts	Duplexes and Single-Family Home
East	R-1(B) Single Family District	Single-Family Home
West	R-1(B) Single Family District	Single-Family Home

Total Tract Size: 0.89 Acres

Comprehensive Plan Area: Rosedale Area Plan

Comprehensive Plan Designation: The Rosedale Area Plan designates this property as General Urban, which allows rowhouses, townhomes, and single-family homes. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors, which West 43rd Avenue and Mission Road are.

Major Street Plan: The goDotte Mobility Plan designates Mission Road as a Major Arterial and West 43rd Avenue as a Minor Collector.

Parking Requirement: Section 27-471(n)(3)(a) states “One (1) off-street parking space shall be provided for each dwelling unit”

Landscaping Requirement: Section 27-471(s) outlines the following standards.

Common Lawn: Six (6) plantings per dwelling unit.

Door Yard: Six (6) landscape plantings required.

Front-Yard: 11 landscape plantings required. At least two of these landscape plantings shall be a shade or ornamental tree. Landscape plantings at approximately 30 inches on center shall be used along street-facing foundation wall.

Street Trees: Trees are required in the public right-of-way along streets, at a minimum of one shade tree every 40 feet.

Buffering: Two (2) of the following options must be provided.

Evergreen trees planted at 30 feet on center, Evergreen shrubs planted at four feet on center, or a six-feet high masonry wall or solid fence.

Advertisement:	<u>The Wyandotte Echo</u> – July 18, 2024 <u>Letters to Property Owners</u> – July 19, 2024
Public Hearings:	August 12, 2024 and August 29, 2024
Public Support:	Five (5) people appeared in support at the August 12, 2024 City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Roger Barrett with SK Design Group, is requesting a Change of Zone from R-2(B) Two-Family District to TND Traditional Neighborhood Design District, Transect T-4, and a Final Development Plan (approved) to construct a 24-unit apartment building at 4225 Mission Road.

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 have been several notices on the subject properties, most for weeds and trash.
 - a. 2022 – CAC22-1543 – Admin Citation – Environmental Citations
 - b. 2022 – ABT22-1636 – Abatement – 14-day weeds
 - c. 2021 – ABT21-1547 – Abatement – 14-day weeds

- d. 2020 – 20224-00738 – Abatement – 14-day weeds
- e. 2019 – 19204-00237 – Environment – Debris and Trash
- f. 2019 – 19206-00089 – Environment – Debris and Trash

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. Final Plat (Beachwood Holdings, PLAT2021-015) for one (1) lot, withdrawn in 2021.
2. Approval of a Change of Zone (COZ 3204) from R-1(B) to R-2(B) for residential development in 2019.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Neighborhood, the Rosedale Development Association (RDA) group, and the Hilltop Neighborhood Association. The neighborhood consists of a diversity of residential uses, including single-family residences, duplexes, fourplexes, apartment buildings, and garden style apartments. There are also small-scale commercial uses mixed within. The property is located along Mission Road, which runs North to I-35 and South into Westwood, as well as West 43rd Avenue, which runs east into Kansas City, MO.

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

The zoning and uses of nearby property is set out above. The proposed use is expected to be compatible with nearby zoning and uses, as the neighborhood consists of several different types of residences. While uses directly adjacent are single-family and duplexes, a block away are two (2) garden style apartment complexes, and three (3) apartment buildings.

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 property is suitable to be developed as an apartment building, as it is located at a major corner along two (2) thoroughfares and along a transit line. Removal of restrictions is not expected to detrimentally affect nearby property. Landscaping, buffering, and screening will be required to limit any potential visual impacts.

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 currently occupied with a single-family residence, which would be split off into its own parcel. The remaining portion of the property has been vacant since 2003, when the single-family residences were demolished, and 2014, when the commercial structure was demolished.

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

The proposed use is reasonably necessary for the convenience and welfare of the public, as it provides another housing option in an area of town with a diverse range of employment opportunities. The proposed development would particularly serve individuals and young business professionals who want to live in the area, but do not want to, or may not be able to purchase a single-family detached home, townhome or condo. The proposed use is not expected to injure the use, quality, or marketability of nearby property, however, design measures, including expanded buffering and screening will be required to limit any potential impacts.

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

The proposed use will increase the amount of traffic along both Mission Road and West 43rd Avenue. Staff has concerns with additional traffic at this intersection, particularly traffic making left turns off of Mission Road and West 43rd Avenue. The applicant may consider only allowing a right-in, right-out on Mission Road to mitigate impacts.

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

The Rosedale Area Plan designates this property as General Urban, which allows rowhouses, townhomes, and single-family homes. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors, which West 43rd Avenue and Mission Road are. The proposed use conforms to the Rosedale Area Plan.

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

The proposed use will result in minimal environmental harm, as this property has previously been developed on. The proposed use can enhance the environment or mitigate the intensity of use through enhanced landscaping throughout the development and along the perimeter of the property.

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 electric and water service.

b. *Sanitary Sewer Service*

UG provides sanitary sewer service.

c. *Storm Water Control*

UG Provides storm water control, with inlets

d. *Police*

Police service is provided by South Patrol, District #332.

e. *Fire*

Fire service is provided by Station #10, which is two (2) miles away from the subject property.

f. *Transit*

Public Transit is provided by Route 107 – 7th Street / KU Med, with a stop across the street on Mission Road in front of Mission Road Studios at 4320 Mission Road.

g. *Schools*

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

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between one (1), two (2) and three (3) bedrooms) within the complex will promote a diverse population to make use of the nearby employment, transit and retail centers, which only serves to boost the local economy.

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

With revisions to comply with the Rosedale Design Guidelines and other alterations to the site plan, the proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is substantial. Providing another housing option in the area serves the public safety and welfare. If this application is denied, the owners will still have property that is able to be developed, however, not in the intensity they originally sought to redevelop it or keep it as open space.

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Amenities
Fire Department Comments
Lighting
Landscaping and Screening
Rosedale Multi-Family Design Guidelines
Site Line Plan
Traffic Study and Circulation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2024-022, subject to:

1. To block headlights or other intrusions through the fence, a four (4) feet tall evergreen hedge shall be planted outside of the fence;
2. Provide a 4' tall wood screening fence around the northern and eastern property lines, with masonry columns every 32 feet;
3. Pedestrian scale lighting spaced every 40' along the property lines abutting public street. Revise the elevations to demonstrate pedestrian scale lighting, which includes 90-degree cutoffs to prevent glare;
4. The applicant shall follow all comments and requirements set forth by KCKFD. This may result in additional changes to the plan;
5. There shall street trees in the public right-of-way, with a tree every 40 feet on center, except within the sight distance triangle;
6. Per Public Works, the entrance on Mission Road shall be a right-in, right-out, with a ribbon curb to prevent left turns off of Mission Road;
7. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
8. Lighting cannot exceed one (1) footcandle at the property line;
9. Interior parking lots lights shall have 90-degree cutoff fixtures;
10. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
11. All electrical meter banks, typically on the side of the building shall be screened from public view;
12. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
13. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.

- e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
- 14. 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;
- 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. 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;
- 18. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
- 19. 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.

20. Applicant will file a replat for the property.

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 **COZ2024-022** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Floor Plan
Landscape Plan
Elevations
Site Details
Site Photos, Taken by Staff, Dated July 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	August 12, 2024	August 29, 2024
Final Plan Review	Approval	Not Applicable

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-022** 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 **COZ2024-022**, 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.

August 12, 2024, City Planning Commission Minutes:

Hearing starts at 1:24:50:

CHANGE OF ZONE APPLICATION COZ2024-021 – ROGER BARRETT – SYNOPSIS:
Change of Zone from R-2 Two Family District to TND Traditional Neighborhood Design District to construct a 44-unit apartment development at 4225 Mission Road.

PLAN REVIEW APPLICATION PR2024-017 - ROGER BARRETT – SYNOPSIS:
Final Plan Review to construct a 44-unit apartment development at 4225 Mission Road.

Detailed Outline of Requested Action: The applicant, Roger Barrett with SK Design Group, is requesting a Change of Zone from R-2(B) Two-Family District to TND Traditional Neighborhood Design District, Transect T-4, and a Final Development Plan to construct a 24-unit apartment building at 4225 Mission Road.

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

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

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

Present in Support:

- Roger Barrett, Applicant, SK Design Group, 4600 College Boulevard, Suite 100, Overland Park, Kansas 66211
- Brennan Crawford, Executive Director/CEO of CHWC
- Megan Painter, Director of Neighborhood Development, CHWC
- Erin Stryka, Executive Director, RDA
- Ian Arnold, 4225 Mission Road, Kansas City, Kansas 66103

- Matt Watkins, 4023 North 111th Street, Chairman of the Housing Authority in Kansas City, Kansas
- Gayle Bergman, 4520 Francis Street, Kansas City, Kansas 66103
- Jessi Rucker, 4410 Adams Street, Kansas City, Kansas 66103

Planning Commissioner Ward directed questions to the development team.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:44:03: Planner Molloy stated that the request is for a Change of Zone from R-2 Two Family District to TND Traditional Neighborhood Design District and a Final Development Plan for a 24-unit apartment building at this location. He stated that TND is a specialized district that sets out regulations for the use instead of the property. This is an apartment building, so it has its own set of regulations. Staff received no letters in support nor opposition. The property has had several Notices of Violation over the years for weeds, trash and other related issues. Staff recommends approval subject to the conditions in the staff report and would request an additional condition that states the applicant will need to replat the property.

Motion starts at 1:46:10:

On motion by Mrs. Jones, seconded by Ms. Schwartz, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-022:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. To block headlights or other intrusions through the fence, a four (4) feet tall evergreen hedge shall be planted outside of the fence;
2. Provide a 4' tall wood screening fence around the northern and eastern property lines, with masonry columns every 32 feet;
3. Pedestrian scale lighting spaced every 40' along the property lines abutting public street. Revise the elevations to demonstrate pedestrian scale lighting, which includes 90-degree cutoffs to prevent glare;
4. The applicant shall follow all comments and requirements set forth by

- KCKFD. This may result in additional changes to the plan;
5. There shall street trees in the public right-of-way, with a tree every 40 feet on center, except within the sight distance triangle;
 6. Per Public Works, the entrance on Mission Road shall be a right-in, right-out, with a ribbon curb to prevent left turns off of Mission Road;
 7. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
 8. Lighting cannot exceed one (1) footcandle at the property line;
 9. Interior parking lots lights shall have 90-degree cutoff fixtures;
 10. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
 11. All electrical meter banks, typically on the side of the building shall be screened from public view;
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 - d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
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Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

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. 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;
18. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
19. 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.
20. Applicant will file a replat for the property.

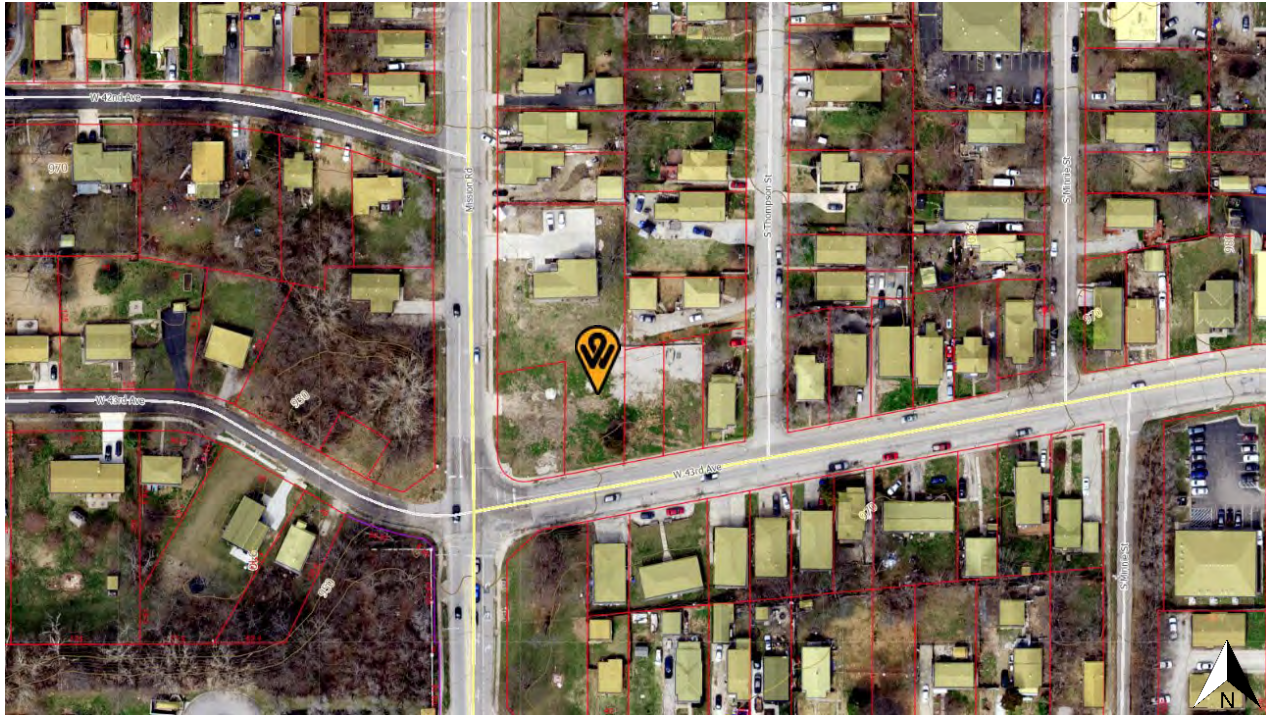
On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2024-017:**

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

Easterwood Not Present
Motion to APPROVE Passed: 8 to 0
Subject to the above conditions.

ATTACHMENTS

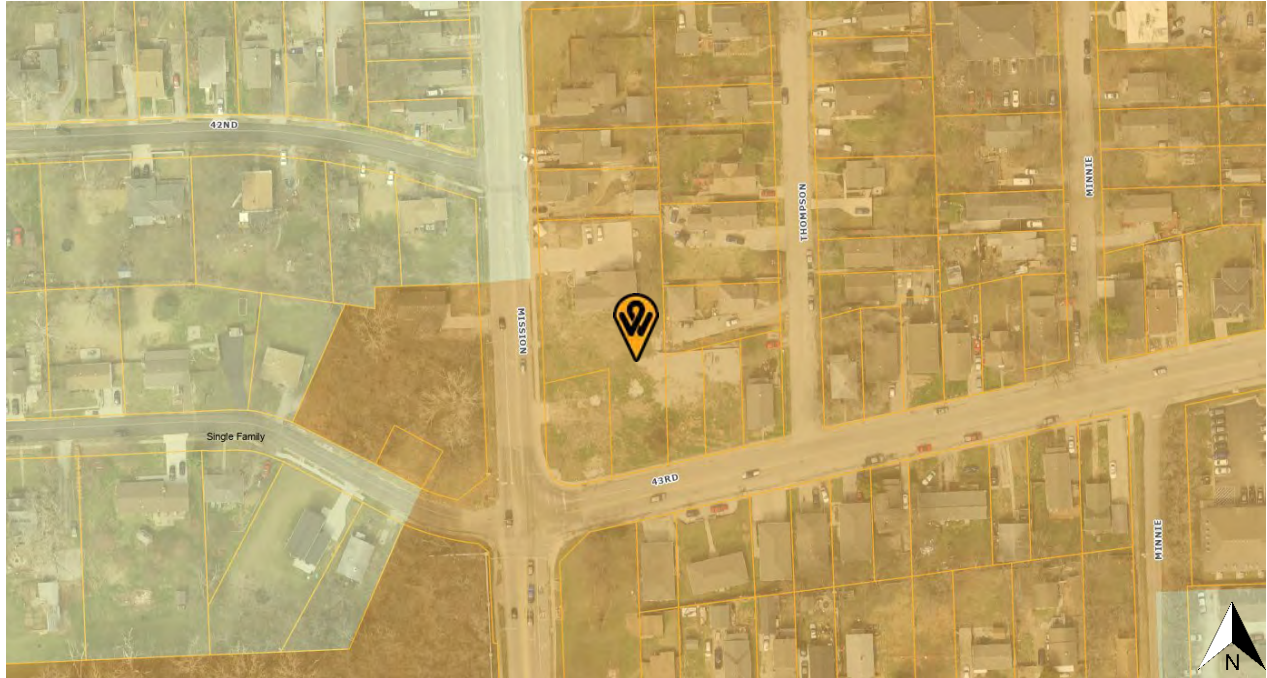
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

Variance: BOZA2024-020
Change of Zone: COZ2024-022
Final Development Plan: PR2024-017

Mission 43 Apartments Neighborhood Mtg.

Date: 7-29-24

Place: Virtual *File Transmitted Separately via WeTransfer*

<https://we.tl/t-qJBKUEX2DC>

Time 5:40pm -7:10 pm

In attendance

Participated in Virtual Meeting

Roger Barrett, SK Design Group – Leader/Civil Engineering

Ian Arnold, Owner

Tarold Davis, Owner/Development Rep

Brennan Crawford, Community Housing of Wyandotte Co., CHWC, Developer

Megan Painter, Community Housing of Wyandotte Co., CHWC, Developer

Erin Styka, Rosedale

Paul Stark, SWD Architects, Project Architect

Brian Czerw, SWD Architects, Project Architect

Mike McGrew, Landworks Studio, Project Landscape Architect

Melody Harder, Neighbor

Monty Harder, Neighbor

Oriel, Neighbor

Garrett, Neighbor

Becky Bouchey, Neighbor

Ruth Kunakhovich, Neighbor

Lizz, Neighbor

Max, Neighbor

Melody Harder
3000 W. 43rd

From: Megan Painter <mpainter@chwckck.org>
Sent: Monday, July 22, 2024 10:48 AM
To: Melody Harder <melody1016@hotmail.com>
Cc: Paul Stark <psark@swdarchitects.com>; Roger Barrett <rbarrett@skdg.com>
Subject: Re: Development at 43rd and Mission
Melody,

See response below:

Has there been a study of the water shed and flow from the property during rainstorms that will occur . To prevent it coming onto the existing nearby residential properties? Does new storm drainage send to 43rd or onto Mission Rd.

Yes. This is one of our civil engineer's primary tasks. All storm water is to be handled on-site and you should not notice any difference during a hard rain. The slope of the site naturally goes down to Mission Road and we will be tying into a large stormwater pipe that's already there. I've seen a little bit of the conversations between public works engineers and our team's engineers, and they are getting down to details such as the size of rock below our parking lot to ensure that rainwater is properly handled during a surge. The unified government is also requiring a few things that will clean the water as it enters the storm drain.

Thank you.

Megan Painter

Director of Neighborhood Development Community Housing of Wyandotte County 913-205-6463

www.chwckck.org

"Rebuilding our Neighborhoods"

From: Melody Harder <melody1016@hotmail.com>

Sent: Friday, July 19, 2024 5:33 PM

To: Megan Painter <mpainter@chwckck.org>

Subject: Re: Development at 43rd and Mission

Has there been a study of the water shed and flow from the property during rainstorms that will occur . To prevent it coming onto the existing nearby residential properties? Does new storm drainage send to 43rd or onto Mission Rd. Thank you.

From Melody Harder

On Jul 19, 2024, at 3:43 PM, Megan Painter <mpainter@chwckck.org> wrote:

Hello Melody,

Thank you for responding to our letter about the proposed development at 43rd and Mission. First, I want to assure you that all your comments and questions will be included in the record of neighborhood resident comments that will be submitted to the Unified Government.

Here are responses to your comments/questions:

What is the plan for sound barrier, divider between existing buildings and planned driveway and structure?

There will be 5 foot privacy fence around the entire parking lot. On the east side of the lot a small retaining wall will also be needed and the fence will be on top of or behind the retaining wall. Sound barriers are typically only used for subdivisions next to highways. We do not anticipate that sound will be an issue for this development. If a future resident is disturbing the right of "quiet enjoyment" by neighbors, this is a breach in their lease and cause for eviction.

Why does this need to be expanded to 24 units. We are not aware of any previous comments about how many units were proposed. It is already very difficult to make development costs work for what most financiers consider to be a "small" 24-unit development. Having less units is not financially feasible.

Concerns about increased noise and crime. We are also very concerned about this and cannot afford to have a property marred by crime. We will have an excellent property manager, which is key to the health of a project. Other municipalities have "crime free multi-family housing" training programs that partner property managers with community policing. We are currently exploring this program and, if it's a good fit, we will have our staff trained before leasing begins.

This street is already insanely busy having an exit via 43rd would be extremely difficult and dangerous. I've had my own issues safely navigating areas around this intersection. This week we've had several discussions with traffic engineers, fire department, and public works on the safest solution for getting vehicles on and off the property. Traffic engineers state that the number of vehicles going on and off the property during peak hours is negligible, however we are working through solutions to reduce the chances of collision. We will keep you posted on what arises as the best solution/what the city decides.

I would oppose this large scale change. Noted and Recorded. Have a good weekend,

Megan Painter

Director of Neighborhood Development Community Housing of Wyandotte County 913-205-6463

www.chwckck.org

"Rebuilding our Neighborhoods"

Becky Bouchey
4224 Thompson

From: Megan Painter <mpainter@chwckck.org>
Sent: Sunday, July 28, 2024 9:44 PM
To: becky bouchey; Roger Barrett
Subject: Re: Rezoning NE 43rd and Mission lot

Becky,

Thank you for reaching out. We will add your email to the records for the neighborhood meeting that must be sent to the Unified Government.

You may also submit your concerns directly to the UG on or before the August 12th meeting when this project will be presented before the Board of Zoning Appeals. I believe you will get a second letter from the city on how to either submit your comments beforehand or attend via zoom, or in person. You can always email urban planning directly at jparker@wycokck.org. There is a point in the review where they ask if any letters of disapproval were received, and shortly after they open the microphone to people online and in the room.

A few responses to your concerns,

1. All of the traffic around 43rd and Mission is of great concern. We've been going back and forth with traffic engineers at the city, and they've decided that there will only be right turns in and out of the site so that no one is turning across traffic.
2. I will forward your issues to the landowner about the area around the retaining wall. Our civil engineer team has assured us they have designed the site so that all drainage would not/ would

no longer affect neighboring properties. I will have to defer to the engineer on what exactly the plan is around that back retaining wall. I do know that a tall fence will be required to screen the parking lot from all surrounding properties and erosion control must be adequately handled.

3. I can only remember fountains that are on the Missouri side, but we could use some on the Kansas side too!

Thank you,

Megan Painter

Director of Neighborhood Development Community Housing of Wyandotte County 913-205-6463

www.chwckck.org

"Rebuilding our Neighborhoods"

From: becky bouchey <electricolive@live.com>

Sent: Saturday, July 27, 2024 12:03 PM

To: Megan Painter <mpainter@chwckck.org>

Subject: Rezoning NE 43rd and Mission lot

My name is Becky Bouchey and my property (4224 Thompson st.) runs along the back side of the NE corner lot of 43rd and Mission rd.

I got a letter with your email as the person I am to contact with questions about the petition to rezone corner lot for apt. bldg. Are you who I talk to about my disapproval? Do I save that for city meetings? I have many concerns.

My great grandparents built the home on the corner of 43rd and Thompson. My mother-in-law built the home I currently own. 5 generations of the family I married into have been here since 1948.

This proposal has an alleyway bumped up against both properties with the street running parallel to my long driveway. (With in a few feet of) I see a dumpster wanting to go where all 3 lots meet. Right next to my garden.

The Intersection is already terribly congested. And now we want to add 2 more intersections within a few car lengths of the main intersection? There is no street parking along these sections of 43rd or mission... My street will turn into an overflow parking lot, with these 2 family built properties being a 'shortcut' to the complex. Not to mention how hard it is to pull out of my driveway when street has cars lined up it. Since the current owner has built a retaining wall that runs parallel to my property, he put French drains in re-directing ALL water to go to the storm drains just beyond my driveway (on his property) The change of drainage has created damage to my property via erosion. My driveway has sunk several inches and is no longer attached to my garage building.

When he first bought the property he came in and bulldozed the overgrowth and trees lining the storm drain area, however he also bulldozed the edge of our retaining wall (it was hiding under vegetation) knocking it down, contributing to the sinking of my driveway. We had edging stones marking our property line along the driveway that were also dug up and destroyed. These types of confrontations are my kryptonite and I kept quiet.

He has stopped caring for the strip of land between his retaining wall and my property line, leaving it for us to mow weekly.

I cannot keep quiet about this new zoning initiative, it is a terrible location to build on.

My dream is for the city to expand the intersection and build a big beautiful roundabout with a glorious fountain and landscaping in the middle. This Intersection has more visitors than locals passing through. It is the 'start' of Westport Road to many travelers. We are the city of fountains and I'd love for this

intersection to become a warm welcoming new landmark in my much loved community of Rosedale.

Thank you for taking the time to read my thoughts and concerns. Sincerely,
Becky Bouchey 4224 Thompson st.

913-229-5053

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition #BOZA2024-020
2. That I conducted a neighborhood meeting on July 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

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of July, 2023.

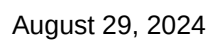
My commission expires June 28, 2025.

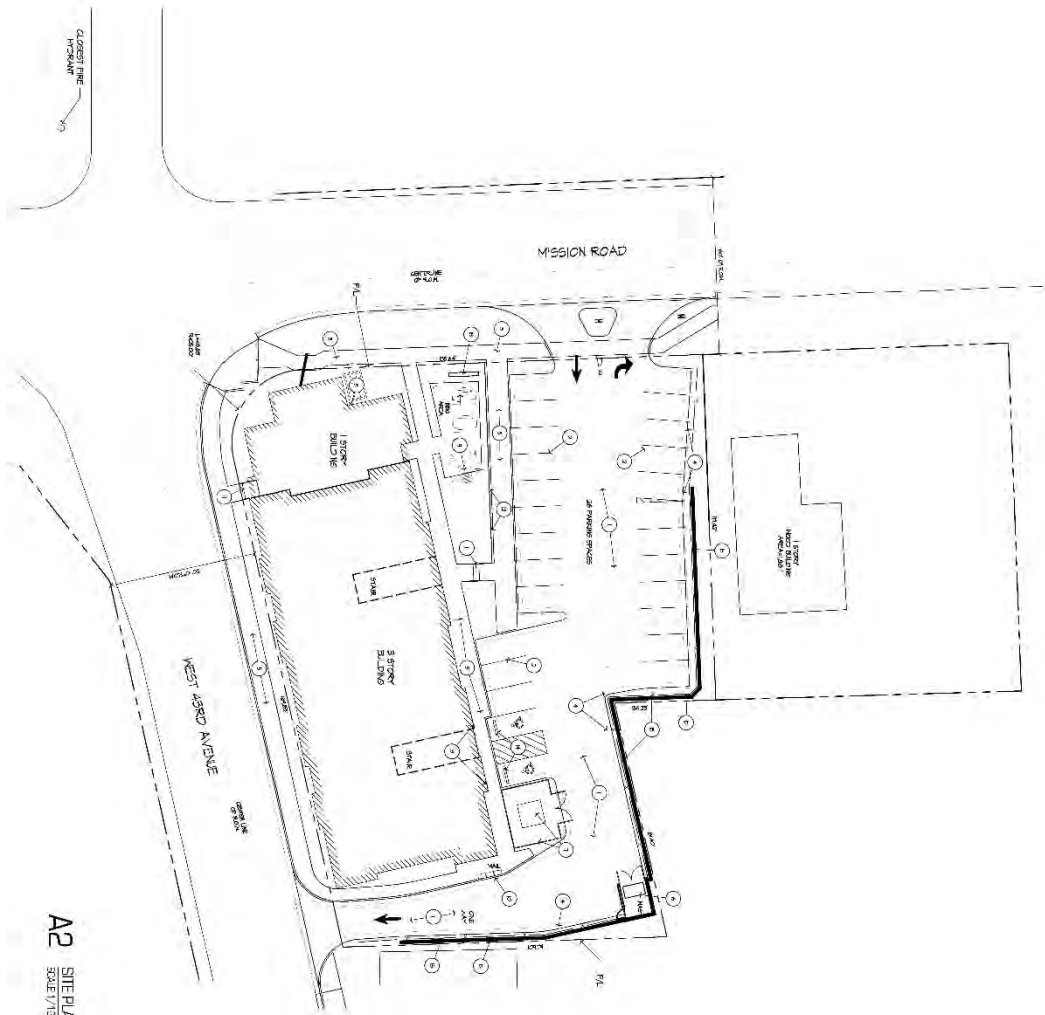


Notary Public



COZ2024-022





A2 SITE PLAN
 SCALE 1/16" = 1'-0"

PRELIMINARY PROJECT INFORMATION (PROPOSED)

OWNER: THE CITY OF KANSAS
 PROJECT: MISSION 43 APARTS
 LOCATION: 1277 MISSION ROAD, KANSAS CITY, MO 64103
 PREPARED BY: S.W.D. ARCHITECTS
 DATE: 7/29/2024
 SCALE: 1/16" = 1'-0"

KEY PLAN NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
6. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

GENERAL NOTES

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2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



MISSION 43 APARTMENTS

1277 MISSION ROAD
 KANSAS CITY, WYANDOTTE COUNTY, KANSAS 66103

ST. MARK'S BAPTIST CHURCH AND ETT C. B. BLDG.
 210 NICHOLS RD, STE 202 - KANSAS CITY, MO 64103 - 816.581.8881 - WWW.SWDAARCHITECTS.COM

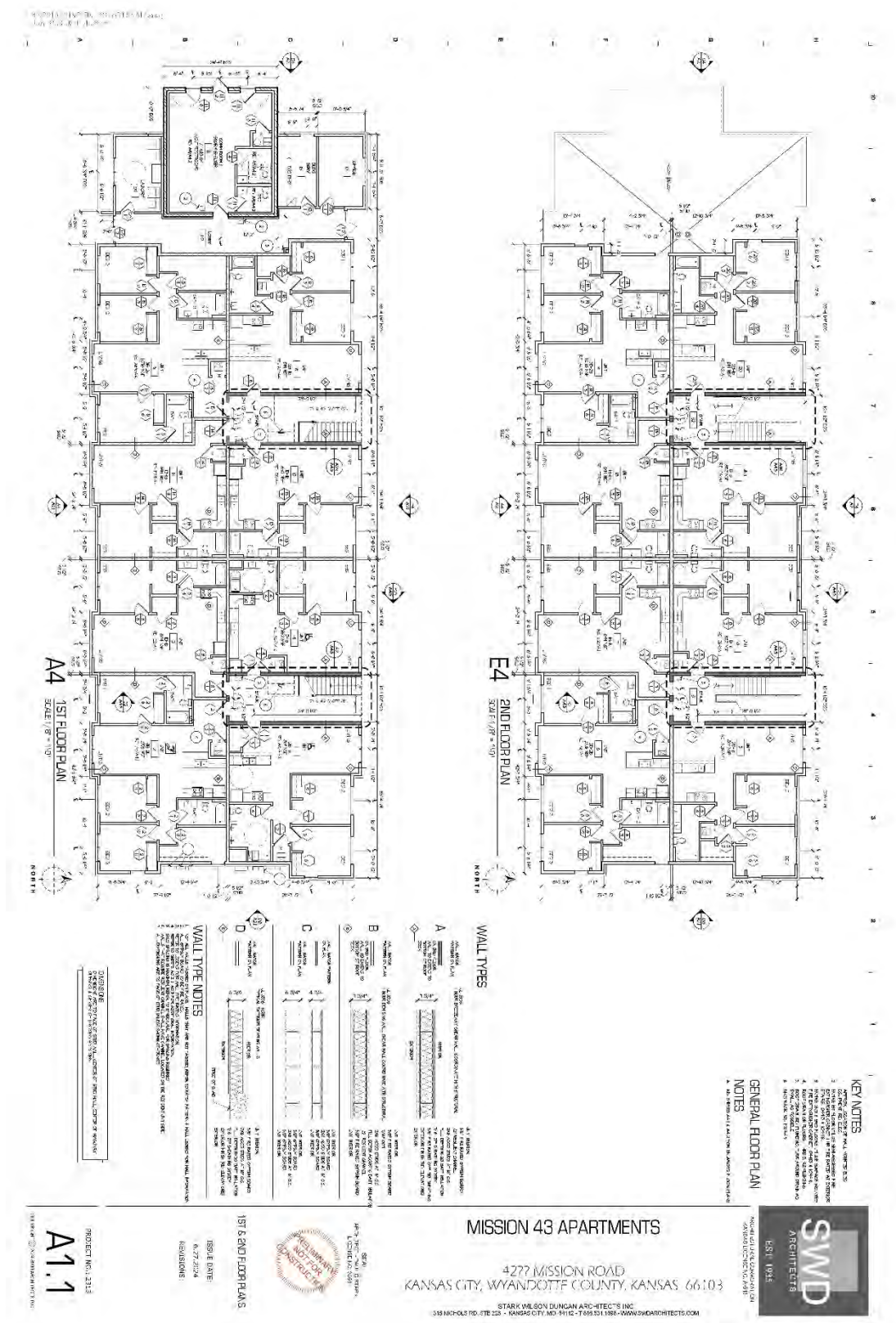


SITE PLAN

ISSUE DATE:
 7/29/2024
 REVISIONS:

PROJECT NO.: 2014
SP1.1B
 CITY OF KANSAS - 2014-2015 BUDGET YEAR

FLOOR PLAN



29

29

COZ2024-022



SITE PHOTOS, TAKEN BY STAFF, DATED JULY 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: August 29, 2024

Re: Change of Zone Petition COZ2024-023

GENERAL INFORMATION

Applicant Information:

Brian Hochstein
MKEC Engineering Inc
11827 West 112th Street, Suite 200
Overland Park, KS 66210

Subject Property:

1930 South 74th Street
Kansas City, KS 66106

Requested Action and Purpose:

Approval of Change of Zone from R-1
Single-Family District to MP-2
Planned General Industrial District for
a storage lot.

Commission Districts:

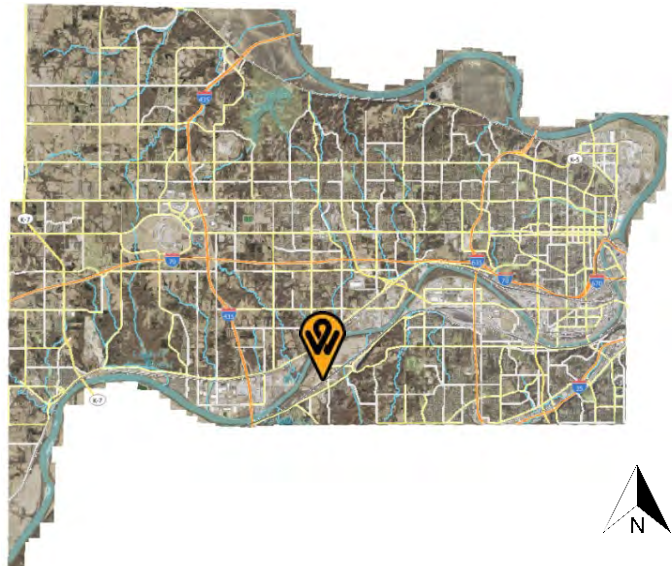
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Phillip Lopez

Existing Zoning District(s):

R-1 Single Family District

Proposed Zoning District(s):

MP-2 Planned General Industrial
District



	Adjacent Zoning	Adjacent Uses
North	MP-2 Planned General Industrial District and R-1 Single Family District	Industrial Businesses
South	M-3 Heavy Industrial District	Railway Buildings
East	MP-2 Planned General Industrial District and R-1 Single Family District	Animal Feed Store
West	R-1 Single Family District	Johnson County Water District No. 1

Total Tract Size: 21.84 Acres

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Industrial, which allows small, medium and large-scale industrial processing, manufacturing and outdoor storage. These uses are often the most intensive uses characteristic of heavy truck traffic, excessive noise, and potentially noxious impacts.

Major Street Plan: The goDotte Mobility Plan designates South 74th Street as a Local Street.

Parking Requirement: Section 27-469(e) states that “In no case, however, shall no less than one space for each 500 square feet of building area be provided.

Landscaping Requirement: Section 27-469(g) states “Trees are required to be provided at not less than one (1) per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property”.

There are 21.84 acres of land, which requires 95 trees to be provided on site. There was no landscape plan provided, so staff cannot determine if the requirement has been met.

Advertisement: The Wyandotte Echo – July 18, 2024
Letters to Property Owners – July 19, 2024

Public Hearings:	August 12, 2024 and August 29, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brian Hochstein with MKEC Engineering Inc, is requesting a Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District and a Final Plan Review (approved) for a new laydown and storage yard at 1930 South 74th Street.

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 have been notices of violation on the subject property, including an active notice for tall grass and weeds.
 - a. 2024 – ABT24-1270 – Abatement – Tall Grass and Weeds
 - b. 2021 – BSR21-0047 – Stop Work Order – Grading without a Permit

Outstanding or Related Permit and Cases:

1. Aside from the aforementioned Abatement Notice, there are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2021-057) for two (2) years in 2021 for grading and site preparation.

FACTORS TO BE CONSIDERED

1. Character of the Neighborhood.

The subject property is within the Morris Statistical Neighborhood and is not within a Neighborhood Group. The neighborhood features industrial properties,

although the zoning districts of such properties are not all industrially zoned; some neighboring parcels are zoned R-1 Single Family District.

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

The subject property is zoned R-1 Single Family District, which does not allow for many uses that are compatible with the surrounding industrial uses, save for a railroad lead right-of-way. This change of zone to an industrial district, however, will be compatible with other nearby properties.

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 property is in the AE Floodplain Zone, which prohibits outdoor storage. The applicant will need to provide a Letter of Map Amendment from FEMA to demonstrate that the property has been risen out of the floodplain. Additionally, the proposed plan will need to be revised to provide paved drive aisles on site.

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 currently undeveloped, however, and appears to be used for the proposed use without the proper permits.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as it is a private use for a private business. The use, with upgraded screening and an updated plan, is not expected to damage the use, quality or marketability of nearby property.

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

The proposed use would increase the amount of traffic, as it is a storage lot for trailers and potentially other equipment. It is not expected, however, that the proposed use will exceed the capacity of South 74th Street, a Local Street.

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

The PlanKCK Comprehensive Plan designates the subject property as Industrial, which allows small, medium and large-scale industrial processing, manufacturing and outdoor storage. These uses are often the most intensive

uses characteristic of heavy truck traffic, excessive noise, and potentially noxious impacts. The proposed use conforms to the Comprehensive Plan.

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

The proposed use has the potential to harm the environment, as the use currently exists within the floodplain zone AE, which prohibits outdoor storage. The applicant is also expanding the amount of impervious surface, which may exacerbate any potential issues. With revisions, as well as a letter of map amendment, however, the use's impact may be limited.

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 electric and water service.

b. *Sanitary Sewer Service*

There is no sanitary sewer service to the subject property.

c. *Storm Water Control*

There is no storm water control on the subject property.

d. *Police*

Police service is provided by South Patrol, District #334.

e. *Fire*

Fire service is provided by Station #20, which is two (2) miles away from the subject property.

f. *Transit*

There is no public transit service to the subject property.

g. *Schools*

Public Education is provided by Oak Grove Elementary School, Turner Middle School, and Turner High School, under Turner USD 202.

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

The economic impact of the proposed use is minimal, as it serves as storage for a pre-existing business.

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

The proposed use currently is not capable of meeting applicable ordinance requirements. The proposed site plan needs to be revised to show paved drive aisles. Additionally, civil plans and landscape plans needs to be provided as well as a Letter of Map Amendment from FEMA.

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

The relative gain to public health, safety, and welfare is minimal. If denied, the applicant will not be able to utilize the property for the proposed use or any industrial use.

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Civil Plan
Landscape Plan
Letter of Map Amendment from FEMA
Sidewalk
Site Paving
Site Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2024-023, subject to:

- 1. Drive aisles must be paved with asphalt or concrete. Revised the site plan(s) accordingly;**
- 2. A sidewalk shall be provided along the South 74th Street frontage. This may be delayed until adjoining sidewalks are constructed;**
- 3. Landscaping shall be provided along the eastern and western property lines, as well as where shown on the landscape plan. A revised landscape plan shall be provided prior to publication of the ordinance;**

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. 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. 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. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
8. If approved, the applicant must file and maintain a current business occupation tax application with this office;
9. 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. 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;
12. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;

13. 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;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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,
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.

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 **COZ2024-023** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Landscape Plan
Site Photos, Taken by Staff, Dated July 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	August 12, 2024	August 29, 2024
Final Plan Review	Approval	Not Applicable

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-023** 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 **COZ2024-023**, 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.

August 12, 2024, City Planning Commission Minutes:

Hearing starts at 1:48:40:

CHANGE OF ZONE APPLICATION COZ2024-023 – BRIAN HOCHSTEIN –

SYNOPSIS: Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District for outdoor storage facility at 1930 South 74th Street.

PLAN REVIEW APPLICATION PR2024-018 – BRIAN HOCHSTEIN – SYNOPSIS:

Final Plan Review for outdoor storage facility at 1930 South 74th Street.

Detailed Outline of Requested Action: The applicant, Brian Hochstein with MKEC Engineering Inc, is requesting a Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District and a Final Plan Review for a new laydown and storage yard at 1930 South 74th 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 August 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Brian Hochstein, Applicant, MKEC Engineering, Inc., 11827 West 112th Street, Suite 200, Overland Park, Kansas 66210

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 1:55:15: Planner Toy stated that to answer the applicant's question about the screening on the west and east side of the property line, Staff cannot give a deviation because that is a code requirement within the screening and landscaping portion of the code. The Applicant could apply for a variance for the east and west property lines to eliminate the required buffer which is 15 feet in the M-2 or M-3 zoning districts when abutting single-family or any residentially zoned properties. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:56:20:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-023:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. Drive aisles must be paved with asphalt or concrete. Revised the site plan(s) accordingly;
2. A sidewalk shall be provided along the South 74th Street frontage. This may be delayed until adjoining sidewalks are constructed;
3. Landscaping shall be provided along the eastern and western property lines, as well as where shown on the landscape plan. A revised landscape plan shall be provided prior to publication of the ordinance;
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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. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;

8. If approved, the applicant must file and maintain a current business occupation tax application with this office;
9. 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. 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;
12. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
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14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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,

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.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2024-018:**

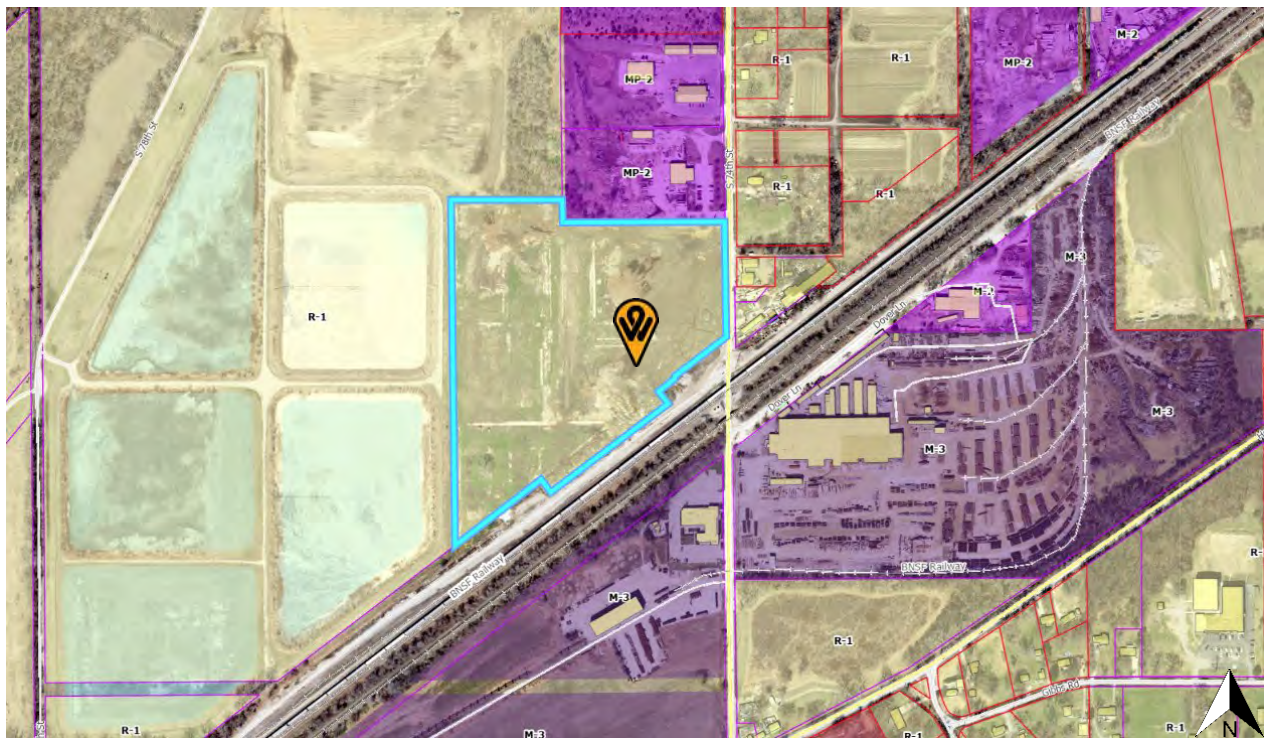
Carson	Chairman
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Not Present
Motion to APPROVE Passed: 8 to 0	
Subject to the above conditions.	

ATTACHMENTS

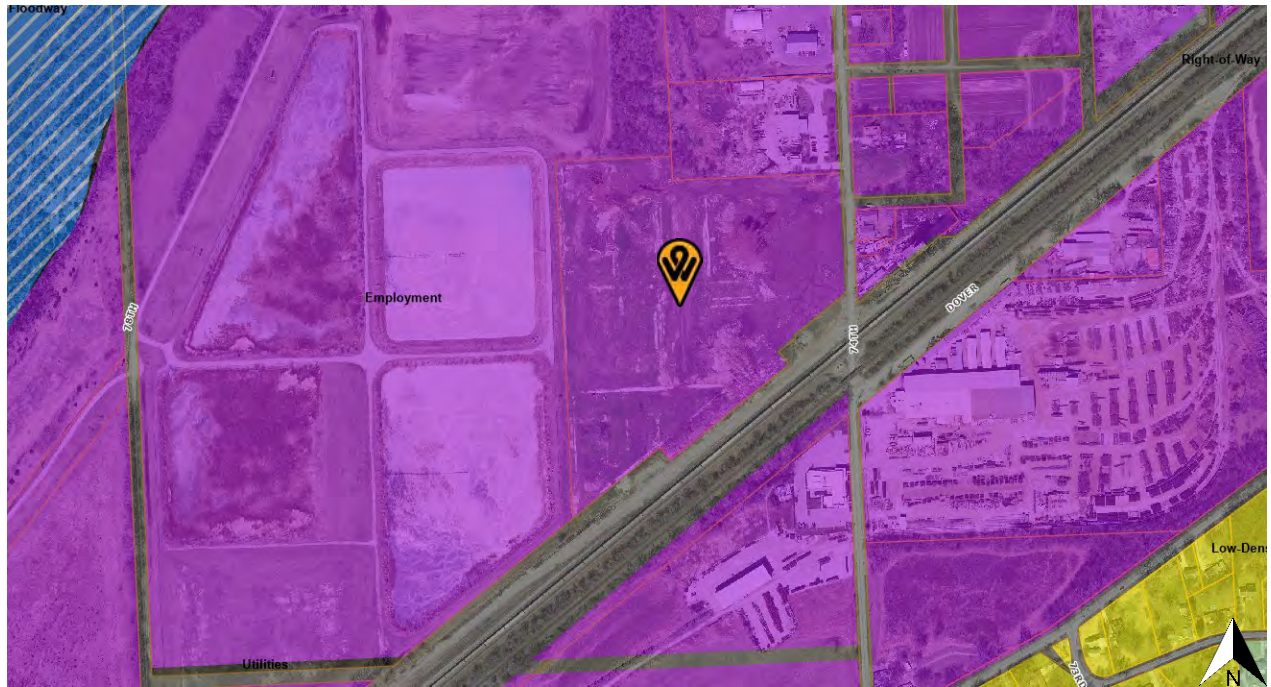
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

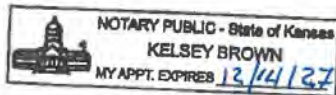
Comes now Brian J. Hochstein, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # CO2024-023, PR2024-018.
2. That I conducted a neighborhood meeting on 07/29/2024.
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 Planning + Urban Design Department. ✓

Further affiant saith not.

Brian J. Hochstein
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31 day of July, 2002 2024
My commission expires Dec of 14, 2002 2027



K. Brown
Notary Public

Application Number: COZ2024-023, PR2024-018

Date and Location: Held Virtually at 7:00pm on Monday July 29th, 2024.

Meeting called to order at: Session opened at 6:58pm, order at 7:01pm.

Names of people in attendance: No registrants, no attendees.

Introduction: Brian Hochstein, MKEC Engineering, Inc.

MKEC noted that there were no registrants or attendees. We created a video recording of the session noting what would have been discussed with neighbors. We noted the time at approximately 7:10pm, 7:20pm and 7:30pm to give any late attendees an opportunity to join. No one joined. The virtual meeting was closed at 7:30pm.

Questions and answers (include the following):

- No Questions
- No Answers

Meeting adjourned at: 7:30 pm

Minutes taken by: Brian Hochstein, MKEC Engineering, Inc.



Date: July 11, 2024

Property Neighbor

SUBJECT: Neighborhood Meeting

An application has been filed with the Unified Government Planning + Urban Design Department, Case #COZ2024-023. The purpose of this is for the change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District for outdoor storage.

The property address is: 1930 S 74th Street, Kansas City, KS 66106

A virtual neighborhood meeting will be held on **Monday, July 29th at 7p.m.** through GoToMeeting. Residents will need to register for the meeting prior to the meeting through the following link:

https://www.mkec.com/1930_S_74th_Street

From there you will be provided with an invitation to participate in the virtual meeting.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "B. Hochstein".

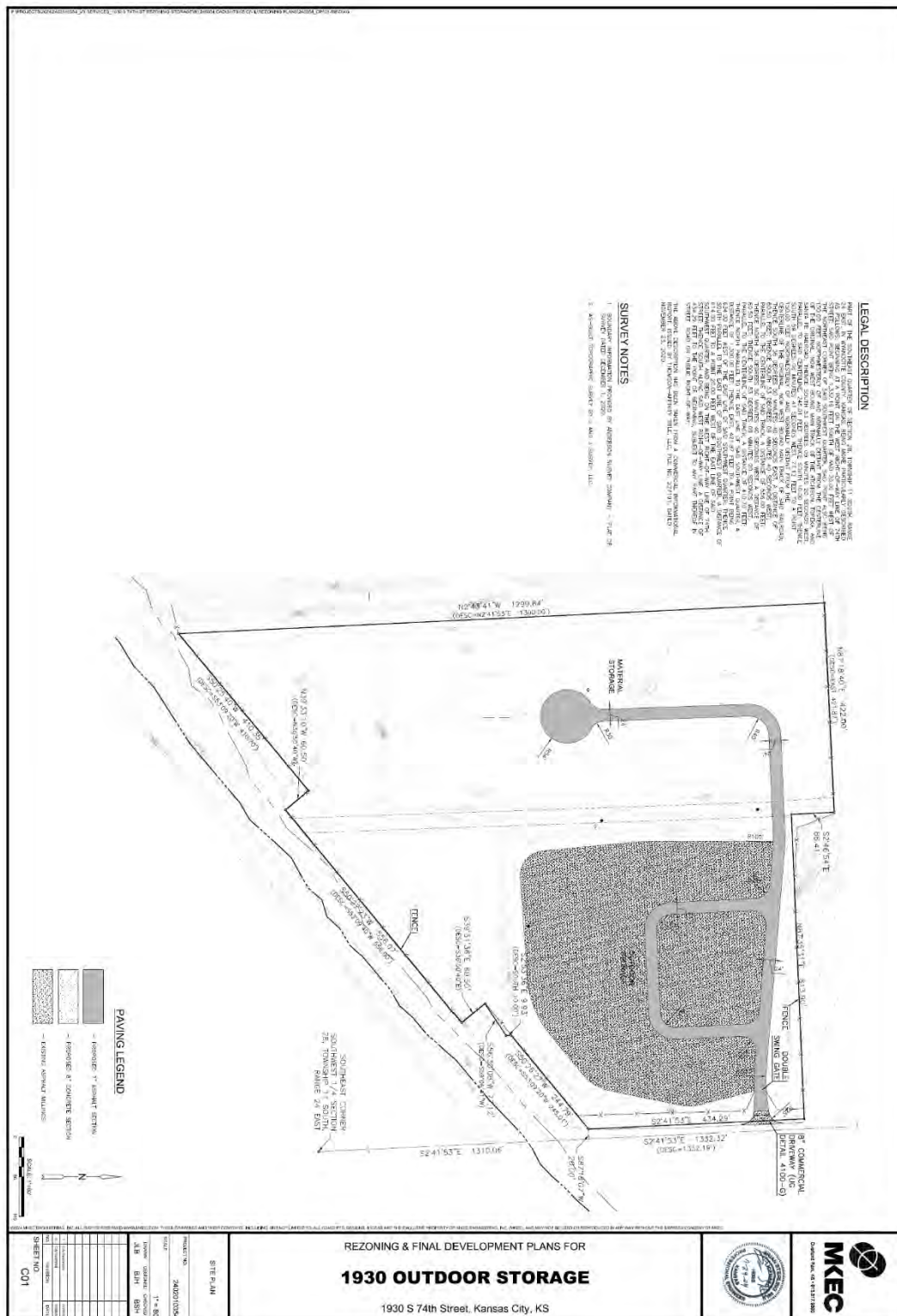
Brian Hochstein, PLA

MKEC Engineering, Inc
913-317-9390
bhochstein@mkec.com

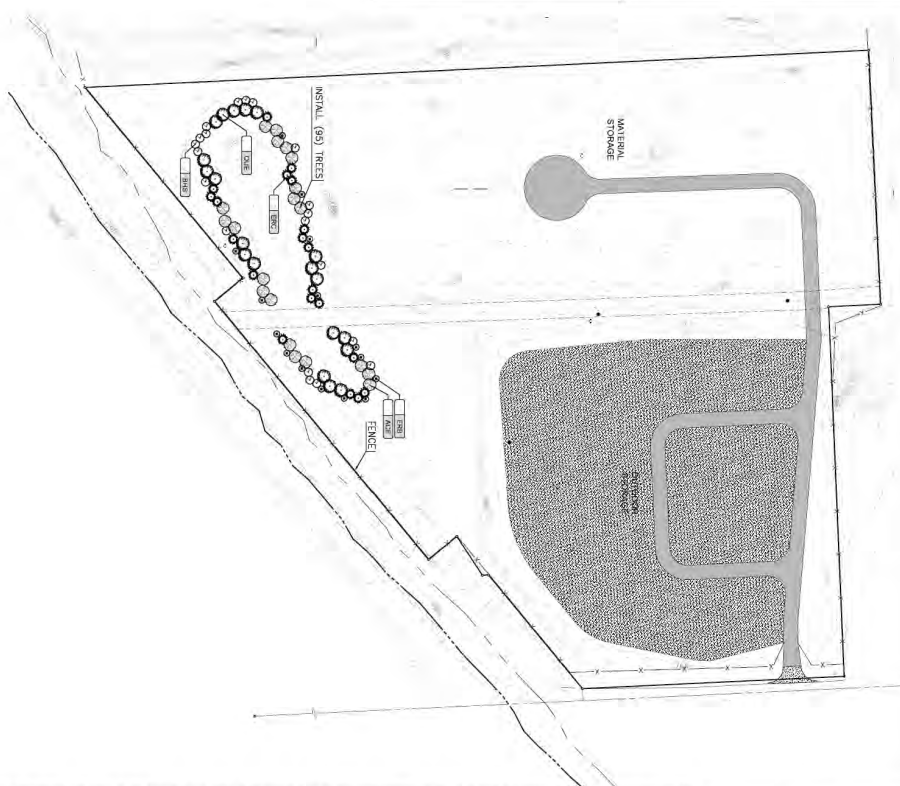
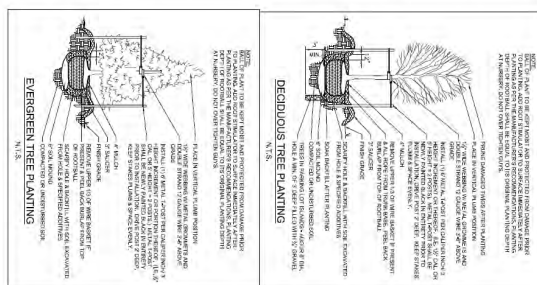
11827 W. 112th St., Ste. 200 • Overland Park, KS 66210 • T 913.317.9390 • F 913.317.9385 • MKEC.COM



CO2024-023



CO2024-023

[illegible]

PLANT SCHEDULE			
KEY	QTY	COMMON NAME	SIZE & METHOD OF PLANTING
1	20	SHRUB WHITE OAK	1 1/2" DB, 6'00" HT.
2	20	SHRUB RED OAK	1 1/2" DB, 6'00" HT.
3	16	SHRUB WHITE PINE	1 1/2" DB, 6'00" HT.
4	16	SHRUB DOGWOOD	1 1/2" DB, 6'00" HT.
5	16	SHRUB YEW	1 1/2" DB, 6'00" HT.
6	16	SHRUB SPICEBUSH	1 1/2" DB, 6'00" HT.
7	20	SHRUB LILAC	1 1/2" DB, 6'00" HT.
8	20	SHRUB HYDRANGEA	1 1/2" DB, 6'00" HT.
9	20	SHRUB VIBURNUM	1 1/2" DB, 6'00" HT.
10	20	SHRUB SWEET GUM	1 1/2" DB, 6'00" HT.
11	20	SHRUB LANTANA	1 1/2" DB, 6'00" HT.
12	20	SHRUB CLOUTIER	1 1/2" DB, 6'00" HT.
13	20	SHRUB LILAC	1 1/2" DB, 6'00" HT.
14	20	SHRUB HYDRANGEA	1 1/2" DB, 6'00" HT.
15	20	SHRUB VIBURNUM	1 1/2" DB, 6'00" HT.
16	20	SHRUB SWEET GUM	1 1/2" DB, 6'00" HT.
17	20	SHRUB LANTANA	1 1/2" DB, 6'00" HT.
18	20	SHRUB CLOUTIER	1 1/2" DB, 6'00" HT.
19	20	SHRUB LILAC	1 1/2" DB, 6'00" HT.
20	20	SHRUB HYDRANGEA	1 1/2" DB, 6'00" HT.
21	20	SHRUB VIBURNUM	1 1/2" DB, 6'00" HT.
22	20	SHRUB SWEET GUM	1 1/2" DB, 6'00" HT.
23	20	SHRUB LANTANA	1 1/2" DB, 6'00" HT.
24	20	SHRUB CLOUTIER	1 1/2" DB, 6'00" HT.
25	20	SHRUB LILAC	1 1/2" DB, 6'00" HT.
26	20	SHRUB HYDRANGEA	1 1/2" DB, 6'00" HT.
27	20	SHRUB VIBURNUM	1 1/2" DB, 6'00" HT.
28	20	SHRUB SWEET GUM	1 1/2" DB, 6'00" HT.
29	20	SHRUB LANTANA	1 1/2" DB, 6'00" HT.
30	20	SHRUB CLOUTIER	1 1/2" DB, 6'00" HT.
31	20	SHRUB LILAC	1 1/2" DB, 6'00" HT.
32	20	SHRUB HYDRANGEA	1 1/2" DB, 6'00" HT.
33	20	SHRUB VIBURNUM	1 1/2" DB, 6'00" HT.
34	20	SHRUB SWEET GUM	1 1/2" DB, 6'00" HT.
35	20	SHRUB LANTANA	1 1/2" DB, 6'00" HT.
36	20	SHRUB CLOUTIER	1 1/2" DB, 6'00" HT.
37	20	SHRUB LILAC	1 1/2" DB, 6'00" HT.
38	20	SHRUB HYDRANGEA	1 1/2" DB, 6'00" HT.
39	20	SHRUB VIBURNUM	1 1/2" DB, 6'00" HT.
40	20	SHRUB SWEET GUM	1 1/2" DB, 6'00" HT.
41	20	SHRUB LANTANA	1 1/2" DB, 6'00" HT.
42	20	SHRUB CLOUTIER	1 1/2" DB, 6'00" HT.
43	20	SHRUB LILAC	1 1/2" DB, 6'00" HT.
44	20	SHRUB HYDRANGEA	1 1/2" DB, 6'00" HT.
45	20	SHRUB VIBURNUM	1 1/2" DB, 6'00" HT.
46	20	SHRUB SWEET GUM	1 1/2" DB, 6'00" HT.
47	20	SHRUB LANTANA	1 1/2" DB, 6'00" HT.
48	20	SHRUB CLOUTIER	1 1/2" DB, 6'00" HT.
49	20	SHRUB LILAC	1 1/2" DB, 6'00" HT.
50	20	SHRUB HYDRANGEA	1 1/2" DB, 6'00" HT.
51	20	SHRUB VIBURNUM	1 1/2" DB, 6'00" HT.
52	20	SHRUB SWEET GUM	1 1/2" DB, 6'00" HT.
53	20	SHRUB LANTANA	1 1/2" DB, 6'00" HT.
54	20	SHRUB CLOUTIER	1 1/2" DB, 6'00" HT.
55	20	SHRUB LILAC	1 1/2" DB, 6'00" HT.
56	20	SHRUB HYDRANGEA	1 1/2" DB, 6'00" HT.
57	20	SHRUB VIBURNUM	1 1/2" DB, 6'00" HT.
58	20	SHRUB SWEET GUM	1 1/2" DB, 6'00" HT.
59	20	SHRUB LANTANA	1 1/2" DB, 6'00" HT.
60	20	SHRUB CLOUTIER	1 1/2" DB, 6'00" HT.
61	20	SHRUB LILAC	1 1/2" DB, 6'00" HT.
62	20	SHRUB HYDRANGEA	1 1/2" DB, 6'00" HT.
63	20	SHRUB VIBURNUM	1 1/2" DB, 6'00" HT.
64	20	SHRUB SWEET GUM	1 1/2" DB, 6'00" HT.
65	20	SHRUB LANTANA	1 1/2" DB, 6'00" HT.
66	20	SHRUB CLOUTIER	1 1/2" DB, 6'00" HT.
67	20	SHRUB LILAC	1 1/2" DB, 6'00" HT.
68	20	SHRUB HYDRANGEA	1 1/2" DB, 6'00" HT.
69	20	SHRUB VIBURNUM	1 1/2" DB, 6'00" HT.
70	20	SHRUB SWEET GUM	1 1/2" DB, 6'00" HT.
71	20	SHRUB LANTANA	1 1/2" DB, 6'00" HT.

SHEET NO. L01	REZONING & FINAL DEVELOPMENT PLANS FOR 1930 OUTDOOR STORAGE 1930 S 74th Street, Kansas City, KS	Drawing Title: 1930 S 74th Street, Kansas City, KS Date: 10/11/2000
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LETTER OF MAP REVISIONS

Page 1 of 3	Date: November 28, 2023		Case No.: 24-07-0047A		LOMR-F			
 Federal Emergency Management Agency Washington, D.C. 20472								
LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)								
COMMUNITY AND MAP PANEL INFORMATION			LEGAL PROPERTY DESCRIPTION					
COMMUNITY	CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS		A portion of Section 28, Township 11 South, Range 24 East, as described in the Statutory Warranty Deed recorded as Document No. 2022R-08062, in the Office of the Register of Deeds, Wyandotte County, Kansas The portion of property is more particularly described by the following metes and bounds:					
	COMMUNITY NO.: 200363							
AFFECTED MAP PANEL	NUMBER: 20209C0134E; 20209C0145E							
	DATE: 9/2/2015; 9/2/2015							
FLOODING SOURCE: KANSAS RIVER			APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 39.062387, -94.754100 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83					
DETERMINATION								
LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	1930 South 74th Street	Portion of Property (Tract 1)	X (shaded)	--	--	766.2 feet
Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).								
ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)								
LEGAL PROPERTY DESCRIPTION DETERMINATION TABLE (CONTINUED) FILL RECOMMENDATION				PORTIONS REMAIN IN THE SFHA STATE LOCAL CONSIDERATIONS				
This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.								
				 Patrick "Rick" F. Sacibit, P.E., Branch Chief Engineering Services Branch Federal Insurance and Mitigation Administration				



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

TRACT 1:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE SOUTH 2°-41'-53" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 921.73 FEET; THENCE SOUTH 87°-35'-31" WEST, A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST RIGHT OF WAYLINE OF SOUTH 74TH STREET, AS NOW ESTABLISHED AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE SOUTH 2°-41'-53" EAST ALONG SAID WESTRIGHT OF WAY LINE, A DISTANCE OF 78.44 FEET; THENCE SOUTH 49°-30'-25" WEST, A DISTANCE OF 36.45 FEET; THENCE SOUTH 1°-30'-24" EAST, A DISTANCE OF 268.09 FEET; THENCE SOUTH 28°-39'-22" WEST, A DISTANCE OF 88.36 FEET; THENCE SOUTH 52°-01'-03" WEST, A DISTANCE OF 194.94 FEET; THENCE SOUTH 89°-23'-16" WEST, A DISTANCE OF 236.20 FEET; THENCE NORTH 27°-38'-16" WEST, A DISTANCE OF 19.17 FEET; THENCE NORTH 81°-42'-07" WEST, A DISTANCE OF 81.19 FEET; THENCE NORTH 33°-48'-29" WEST, A DISTANCE OF 29.62 FEET; THENCE NORTH 1°-48'-33" WEST, A DISTANCE OF 118.66 FEET; THENCE NORTH 5°-57'-28" EAST, A DISTANCE OF 75.54 FEET; THENCE NORTH 2°-34'-49" WEST, A DISTANCE OF 58.76 FEET; THENCE NORTH 12°-23'-34" EAST, A DISTANCE OF 47.38 FEET; THENCE NORTH 0°-06'-18" WEST, A DISTANCE OF 141.16 FEET; THENCE NORTH 63°-30'-22" EAST, A DISTANCE OF 16.69 FEET; THENCE NORTH 3°-00'-42" EAST, A DISTANCE OF 8.87 FEET; THENCE NORTH 80°-06'-09" WEST, A DISTANCE OF 60.47 FEET; THENCE NORTH 13°-43'-26" WEST, A DISTANCE OF 31.52 FEET; THENCE NORTH 49°-45'-13" EAST, A DISTANCE OF 12.19 FEET; THENCE SOUTH 79°-54'-05" EAST, A DISTANCE OF 39.35 FEET; THENCE NORTH 83°-18'-42" EAST, A DISTANCE OF 257.04 FEET; THENCE NORTH 87°-35'-31" EAST, A DISTANCE OF 281.23 FEET; THENCE SOUTH 50°-09'-55" WEST, A DISTANCE OF 12.45 FEET; THENCE SOUTH 53°-23'-01" EAST, A DISTANCE OF 25.47 FEET TO THE POINT OF BEGINNING

Tract 2:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE SOUTH 2°-41'-53" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 898.13 FEET; THENCE SOUTH 87°-35'-31" WEST, A DISTANCE OF 20.00 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH 74TH STREET, AS NOW ESTABLISHED; THENCE CONTINUING SOUTH 87°-35'-31" WEST, A DISTANCE OF 613.90 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE SOUTH 40°-49'-00" WEST, A DISTANCE OF 21.18 FEET; THENCE SOUTH 17°-32'-25" WEST, A DISTANCE OF 72.68 FEET; THENCE SOUTH 0°-16'-33" EAST, A DISTANCE OF 88.29 FEET; THENCE SOUTH 7°-41'-11" WEST, A DISTANCE OF 120.40 FEET; THENCE SOUTH 0°-26'-17" WEST, A DISTANCE OF 88.45 FEET; THENCE SOUTH 1°-13'-02" EAST, A DISTANCE OF 185.32 FEET; THENCE SOUTH 0°-00'-02" EAST, A DISTANCE OF 221.02 FEET; THENCE SOUTH 45°-07'-03" WEST, A DISTANCE OF 30.81 FEET; THENCE SOUTH 83°-54'-18" WEST, A DISTANCE OF 112.50 FEET; THENCE NORTH 87°-24'-57" WEST, A DISTANCE OF 96.49 FEET; THENCE SOUTH 82°-46'-39" WEST, A DISTANCE OF 35.16 FEET; THENCE NORTH 4°-09'-29" EAST, A DISTANCE OF 19.26 FEET; THENCE NORTH 39°-51'-15" WEST, A DISTANCE OF 20.22 FEET; THENCE NORTH 2°-24'-25" WEST, A DISTANCE OF 152.36 FEET; THENCE NORTH 7°-25'-38" WEST, A DISTANCE OF 153.21 FEET; THENCE NORTH 5°-44'-08" WEST, A DISTANCE OF 73.28 FEET; THENCE NORTH 50°-05'-55" EAST, A DISTANCE OF 18.83 FEET; THENCE NORTH 0°-00'-56" EAST, A DISTANCE OF 62.64 FEET; THENCE NORTH 0°-29'-05" WEST, A DISTANCE OF 51.63 FEET; THENCE NORTH 15°-07'-10" WEST, A DISTANCE OF 29.64 FEET; THENCE NORTH 89°-50'-08" WEST, A DISTANCE OF 14.22 FEET; THENCE NORTH 9°-55'-02" WEST, A DISTANCE OF 79.70 FEET; THENCE NORTH 3°-49'-08" WEST, A DISTANCE OF 54.33 FEET; THENCE NORTH 6°-06'-46" WEST, A DISTANCE OF 92.93 FEET; THENCE NORTH 7°-51'-23" WEST, A DISTANCE OF 73.84 FEET; THENCE NORTH 48°-35'-05"

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

EAST, A DISTANCE OF 26.54 FEET; THENCE NORTH 85°-17'-16" EAST, A DISTANCE OF 206.69 FEET; THENCE NORTH 87°-18'-40" EAST, A DISTANCE OF 44.06 FEET; THENCE SOUTH 84°-51'-16" EAST, A DISTANCE OF 77.28 FEET; THENCE SOUTH 33°-07'-40" EAST, A DISTANCE OF 60.22 FEET; THENCE SOUTH 78°-01'-50" EAST, A DISTANCE OF 23.33 FEET; THENCE SOUTH 2°-46'-54" EAST, A DISTANCE OF 18.06 FEET TO THE POINT OF BEGINNING

DETERMINATION TABLE (CONTINUED)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	1930 South 74th Street	Portion of Property (Tract 2)	X (shaded)	--	--	766.2 feet

FILL RECOMMENDATION (This Additional Consideration applies to the preceding 2 Properties.)

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Mapping and Insurance eXchange toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <https://www.fema.gov/emergency-managers/risk-management/building-science/national-flood-insurance-technical-bulletins>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 2 Properties.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.


 Patrick "Rick" F. Sacbibit, P.E., Branch Chief
 Engineering Services Branch
 Federal Insurance and Mitigation Administration

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 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: August 29, 2024

Re: Change of Zone COZ2024-024

GENERAL INFORMATION

Applicant Information:

Brian Lavery
Continental Consulting Engineers
11006 Parallel Parkway
Kansas City, KS 66109

Subject Property:

9400 State Avenue
Kansas City, KS 66109

Requested Action and Purpose:

Approval of a Change of Zone, for a
golf entertainment complex.

Commission Districts:

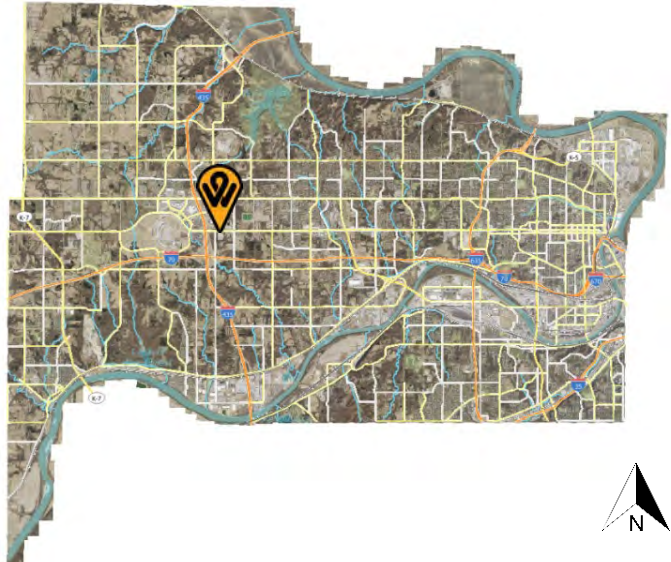
Commissioner At-Large, District #2:
Tom Burroughs
District #7 Commissioner:
Chuck Stites

Existing Zoning District(s):

A-G Agriculture District

Proposed Zoning District(s):

CP-3 Planned Commercial District



	Adjacent Zoning	Adjacent Uses
North	CP-2 Planned General Business District	Margaritaville Hotel and Resort
South	A-G Agriculture District	Parking Lot
East	A-G Agriculture District	Vacant Lot
West	CP-3 Planned Commercial District	Camping World

Total Tract Size: 10.92 Acres

Comprehensive Plan Area: Prairie Delaware Piper Area Plan

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Entertainment / Commercial District, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

Major Street Plan: The goDotte Mobility Plan designates North 98th Street as a Major Collector.

Parking Requirement: Sec. 27-467(f) requires 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, however, there are specific parking ratios for hotels, restaurants, and conference centers/convention space.

There is 27,837 square feet of floor area, which requires 112 parking spaces to be provided. The site provides 271 spaces, including 7 ADA compliant spaces.

Landscaping Requirement: Section 27-467(g) states "Trees are required to be provided at not less than one per 7,000 square feet of site area".

Section 27-577(a)(5) states "Landscaping shall exceed the typical code requirements by at least 75 percent".

The site is 475,675 square feet, which requires 67 trees. The multiplier increases that number to 119 trees total. The

landscape plan shows approximately 162 trees.

Additional landscaping requirements are listed below as part of the Commercial Design Guidelines.

Advertisement:

The Wyandotte Echo – July 18, 2024
Letters to Property Owners – July 19, 2024

Public Hearings:

August 12, 2024 and August 29, 2024

Public Support:

None to date.

Public Opposition:

One (1) person appeared in opposition at the August 12, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brian Lavery with Continental Consulting Engineers, is requesting a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District, for an event space, and a Preliminary Plat (approved) for one (1) commercial lot. These entitlements are for the purpose of constructing a golf entertainment complex at 9400 State Avenue.

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. Approval of an indefinite Special Use Permit (SP-2005-41) for signage in the Village West District in 2005.

2. Approval of a Change of Zone (COZ 2859) from A-G, R-1, CP-0, CP-1 and CP-2 to CP-2 for the Schlitterbahn Vacation Village.
3. Approval of a Preliminary Plat (Schlitterbahn) for one (1) commercial lot in 2008.
4. Approval of a Final Development Plan (PR-2008-19) for the Schlitterbahn Vacation Village in 2008.
5. Approval of a Final Plat (Schlitterbahn Vacation Village) for one (1) commercial lot in 2008.
6. Approval of a Final Development Plan (PR-2008-22) for phase 1 of the Schlitterbahn Vacation Village in 2008.
7. Approval of a Final Development Plan (PR-2008-31) for a 140,518 square foot resort enclosure in 2008.
8. Approval of Final Development Plan (PR-2009-10) for a parking lot, slides, and pools for the Schlitterbahn Vacation Village in 2009.
9. Approval of a Final Development Plan (PR-2009-28) for a train attraction in the Schlitterbahn Vacation Village in 2009.
10. Approval of a Final Plat (Schlitterbahn Vacation Village 2nd Plat) to create nine (9) lots.

FACTORS TO BE CONSIDERED

Change of Zone and Special Use Permit

1. The Character of the Neighborhood.

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group Boundary. The subject property is, however, considered within the Legends/Kansas Speedway area. This site is formerly a portion of the Schlitterbahn Vacation Village waterpark. The neighborhood is defined by large commercial buildings, business campuses, sports and entertainment facilities and multi-family apartments and in close proximity to two (2) interstates (I-70 and I-435) and two (2) major roadways (State Avenue and Parallel Parkway).

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.

As presently zoned, the subject property is incompatible with the uses and proposed uses of neighboring parcels. By rezoning to CP-3 Planned Commercial District and by operating out of the large building on a large lot, the subject property will be compatible with the retail businesses to the west and entertainment uses to the North. There will, however, be incompatibility between this use and the residential use to the east. A high degree of screening will be required to mitigate the impacts of the proposed use on the residential uses to the east.

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 over 10 acres and will site a building that is approximately 28,000 square feet. The size of the parcel compared to the building will allow the building centrally located on the parcel without encroaching on the rear and side property setbacks, where the neighboring uses and buildings are and will be located. Beyond the mere distance between buildings on neighboring parcels, screening will reduce any adverse effects from detrimentally affecting nearby property.

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 has been vacant as zoned since 2018. It is the former Schlitterbahn site.

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 does not fulfill any basic necessities or services to the community, and therefore is not reasonably necessary for the convenience and welfare of the public. The extent of the development proposed on site will greatly increase the amount of impervious surfaces, traffic, and visuals, given its setback along North 98th Street. To address and mitigate these issues, signage must be in compliance with the Sign Code, best practices must be employed for stormwater runoff retention, and design practices to further limit the visual impact. If all site design requirements – including Commercial District zoning requirements and Commercial Design Guidelines requirements, then the proposed use is not expected to substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property.

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

The proposed use will inherently generate an increase in traffic on-site, as the site is being redeveloped into a new, high-traffic commercial use. It is not expected, however, that this increase in traffic will exceed the capacity of the private drive (North 98th Terrace) or adjoining North 98th Street.

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

The proposed use conforms to the Prairie Delaware Piper Area Plan Planned Commercial / Entertainment designation, which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

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

Redevelopment of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times and stormwater runoff. Best practices must be employed for stormwater runoff retention and more trees need to be planted around the detention basins and within the parking lot islands.

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

a. *Electric and Water Service*

Electric and Water Service is provided by BPU.

b. *Sanitary Sewer Service*

Sanitary Sewer Service is provided by the UG.

c. *Storm Water Control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #6, which is adjacent to the subject property.

f. *Transit*

Public Transit is provided by KCATA Route 101 – State Avenue, with a stop at 94th & State Avenue, and UGT Route 116 – West Parallel, with a stop at North 100th Terrace and France Family Drive. Both stops are challenging for pedestrians to access, due to gaps in the sidewalk network.

g. Schools

Public Education is provided by Claude Huyack Elementary School, Arrowhead 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 a commercial development is contingent on several factors, including sales tax increases due to the development of a commercial property. The golf complex will also include full- and part-time jobs. Therefore, there is expected to be at least a marginal positive impact on the community, with the opportunity for employment and the opportunity for additional sales taxes to the UG.

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

With revisions to the elevations, lighting plan, and landscaping, the proposed use is capable of meeting ordinance requirements. The use, however, must receive deviations from the Commercial Design Guidelines approved by the City Planning Commission for any remaining non-compliant items.

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

If properly constructed and managed, the proposed use will not pollute the land or water because trash/litter will be picked up and disposed appropriately, and the detention basin requires annual maintenance.

Preliminary Plat

1. Whether the preliminary plat is consistent with the comprehensive plan, the major street plan and any other adopted plans.

The proposed plat, for one (1) commercial lot, is consistent with the Prairie-Delaware-Piper Area Plan designation of Planned Mixed Entertainment / Commercial District, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

2. Whether the preliminary plat is in compliance with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable unified government policies and regulations.

The proposed final plat conforms to all applicable zoning ordinance and subdivision regulations. Development on these lots would be subject to the CP-3 Planned Commercial District standards and will be required to adhere to the Commercial Design Guidelines.

3. *Whether the subdivision is compatible in lot size, lot-to-structure proportion, building size, and architectural design with existing and proposed development on adjacent properties.*

Development will be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity as there is access through the development for EMS. The proposed lot is compatible with the size, proportion, and design of adjacent properties as well.

4. *Whether the proposed subdivision will cause adverse or negative impacts on the natural or social environment.*

The proposed plat will parcel of a 10.82-acre lot for the development of a golf entertainment complex. Staff does not believe this development will create adverse impacts, as long as development is designed with due regard to topography and the natural features of the land.

5. *Whether the subdivision will not cause an undue burden on the unified government for maintenance of land and/or facilities.*

With the development of a new commercial lot and development, there will inherently be some increase in maintenance, particularly for electric service, city sewer and stormwater, as well as any additional traffic. Due to the size of this infill development and considering the existing surrounding context, however, there is not expected to be undue burden.

6. *Whether the subdivision does not encourage premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services.*

The proposed subdivision will create a new commercial lot, which is similar to the surrounding area. It is not expected that this subdivision will lead to the premature extension of public services or a piece-meal development pattern as it is an infill site in an existing industrial area.

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Building Materiality
Cross-Access Agreement
Commercial Design Guidelines
Landscaping and Screening
Pedestrian Circulation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2024-024, subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District have not been met, and from which Applicant is requesting a deviation for approval: **Items b., c., and d. deviations were approved.**
 - a. Section 27-575(e)(1) states “The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block”.
 - b. Section 27-576(e)(2)(a)-(f) states “Exterior building materials shall not include the following:
 - i. Field painted or prefinished corrugated metal siding;
 - ii. EIFS at the ground level or comprising more than 15 percent of any façade.
 - c. Section 27-576(e) states that “Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials”.
 - d. Section 27-576(e)(4) states “All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.
2. As Staff does not support the deviations for building materiality, the applicant must make an effort to revise their design to get closer towards the 15% EFIS requirement and the 50% masonry requirement. If revisions are brought closer to this requirement, Staff is willing to support a future deviation request;
3. The PlanKCK Comprehensive Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;
4. **Lighting shall be similar in function to those installed at Homefield Perfect Game (1501 North 90th Street), which does not cast any light off of the property towards the residences to the east/southeast. These lights have a zero (0) footcandle at the property line. Do not install lights similar to those at Compass Minerals soccer fields.**
5. Additional landscaping should be provided along the southern and eastern property lines, so as to provide an additional layer of screening from the

- use;
6. A cross-access agreement shall be maintained from both the property to the north and to the south;
 7. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside;
 8. Utility easements shall connect with easements established in adjoining properties;
 9. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
 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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 12. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled. No light may cast light or glare off the property or onto the public street. This applies to only parking lot lighting and exterior lights mounted to the west side of the building, and not lighting essential to operation of games on-site;
 13. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 14. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 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. 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;

18. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
19. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
20. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
21. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. These architectural screens will apply to roof top equipment, loading docks, and trash enclosures;
22. A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;
23. 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,
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.

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 **COZ2024-024**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Landscape Plan
Floor Plan
Erosion Control Plan
Grading Plan
Utility Plan
Elevations
Sight Lines to Adjacent Properties
Homefield Master Plan
Site Photos, Taken by Staff, Dated July 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	August 12, 2024 Approval	August 29, 2024
Preliminary Plat		Not applicable

STAFF CONTACT:

James Molloy

jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-024** 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 **COZ2024-024**, 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.

August 12, 2024, City Planning Commission Minutes:

Hearing starts at 1:50:30:

CHANGE OF ZONE APPLICATION COZ2024-024 – BRIAN LAVERY - SYNOPSIS:

Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District for an outdoor mini-golf course and an event center at 9400 State Avenue.

PLAT APPLICATION PLAT2024-022 - BRIAN LAVERY - SYNOPSIS: Preliminary Plat (Homefield Golf) for one (1) commercial lot at 9400 State Avenue.

Detailed Outline of Requested Action: The applicant, Brian Lavery with Continental Consulting Engineers, is requesting a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District, a Special Use Permit for an event space, and a Preliminary Plat for one (1) commercial lot. These entitlements are for the purpose of constructing a golf entertainment complex at 9400 State Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 12, 2024;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Commissioner Ward stated that he had contact with proponents of this project.

Present in Support:

- Richard Napier, Homefield, 9250 State Avenue, Kansas City, Kansas 66111
- Todd Waldo, TopGolf, 8750 North Central Expressway, Dallas, Texas 75231
- Kevin Nowak, ARCO Construction, 500 West Monroe, Chicago, IL

The Planning Commission directed questions to the development team.

Present in Opposition:

- Thomas Crafton, 6205 Holliday Drive, Kansas City, Kansas

Staff Recommendation starts at 2:20:32: Planner Molloy stated that the proposal is for a Top Golf entertainment complex on this property, directly south of the Margaritaville development. Prior to this evening Staff received no letters in support nor opposition. Staff is recommending approval subject to the conditions in the staff report. Mr. Molloy stated that Staff would like to address the requested deviations from the developer. Conditions 4 and 22 were written to specifically address the outfield lighting and recommended they light the outfield in the same manner as the Homefield baseball facility so it will not cast light on neighboring properties. The screening requirement pertains to mechanical equipment, trash facilities, etc. Staff concentrated on landscaping particularly on the side of the apartments to provide extra buffer. Regarding the materials, the Commercial Design Guidelines has a mandate that no more than 15% of the façade can be EFIS. The original proposal was an average of 60% and revisions brought it down to 50%. Staff would be agreeable to a deviation that was closer to the requirement.

The Planning Commission addressed questions to Planner Molloy regarding the deviations and the conditions in the staff report.

The development team responded to the Staff responses to the deviations.

Commissioner Jones asked why the lighting was not addressed prior to the meeting. Planner Molloy stated that the Applicant did not indicate an issue with the lighting conditions when they responded to the draft staff report.

Motion starts at 2:24:13:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-024 with the changes in conditions highlighted in yellow:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District have not been met, and from which Applicant is requesting a deviation for approval: **Items b., c., and d. deviations were approved.**
 - a. Section 27-575(e)(1) states “The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block”.
 - b. Section 27-576(e)(2)(a)-(f) states “Exterior building materials shall not include the following:**
 - i. Field painted or prefinished corrugated metal siding;**
 - ii. EIFS at the ground level or comprising more than 15 percent of any façade.**
 - c. Section 27-576(e) states that “Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials”.**
 - d. Section 27-576(e)(4) states “All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.**
2. As Staff does not support the deviations for building materiality, the applicant must make an effort to revise their design to get closer towards the 15% EFIS requirement and the 50% masonry requirement. If revisions are brought closer to this requirement, Staff is willing to support a future deviation request;
3. The PlanKCK Comprehensive Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;
4. Lighting shall be similar in function to those installed at Homefield Perfect

Game (1501 North 90th Street), which does not cast any light off of the property towards the residences to the east/southeast. These lights have a zero (0) footcandle at the property line. Do not install lights similar to those at Compass Minerals soccer fields.

5. Additional landscaping should be provided along the southern and eastern property lines, so as to provide an additional layer of screening from the use;
6. A cross-access agreement shall be maintained from both the property to the north and to the south;
7. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside;
8. Utility easements shall connect with easements established in adjoining properties;
9. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled. No light may cast light or glare off the property or onto the public street. This applies to only parking lot lighting and exterior lights mounted to the west side of the building, and not lighting essential to operation of games on-site;
13. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
14. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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. 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;
18. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
19. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
20. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
21. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. These architectural screens will apply to roof top equipment, loading docks, and trash enclosures;
22. A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;

23. 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,
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.

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE PLAT2024-022**:

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

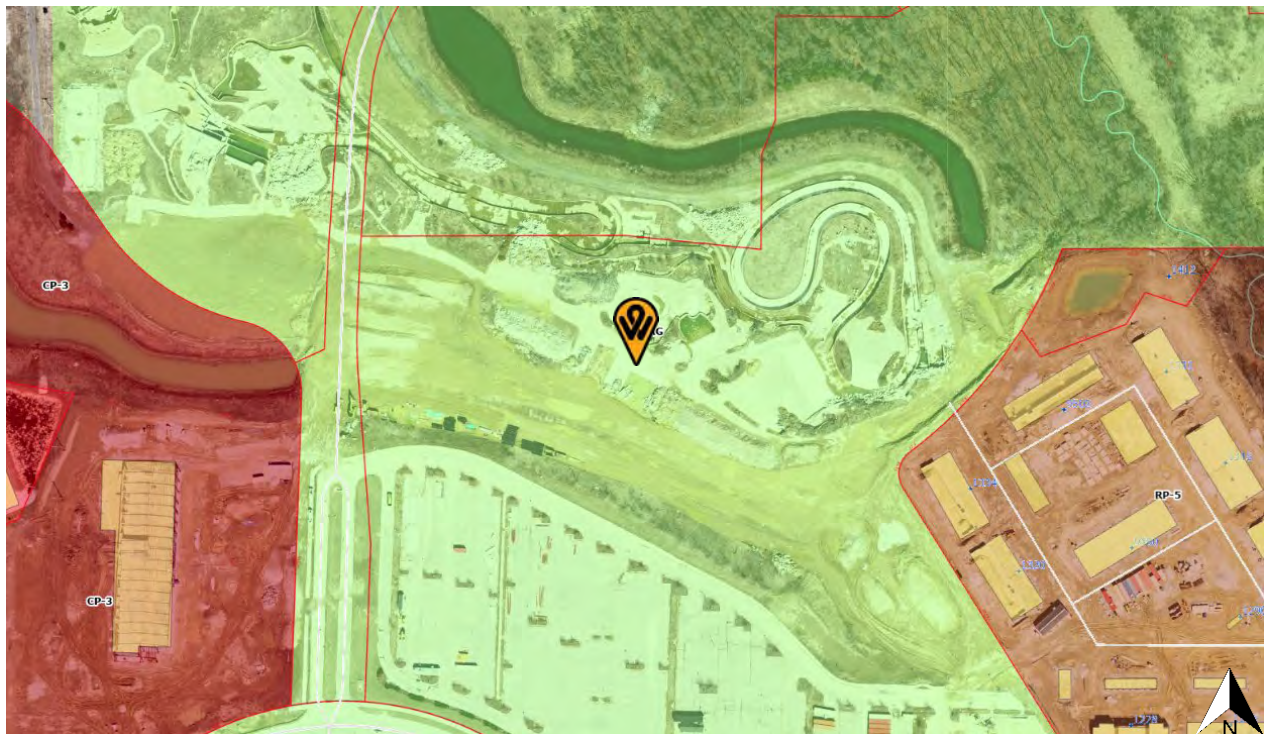
Motion to APPROVE Passed: 8 to 0
Subject to the above conditions.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS



Ms. Janet Parker
Department of Planning & Urban Design
701 N. 7th Street
Kansas City, KS 66101

RE: COZ2024-024.SP2024-050.PLAT2024-022 - 9400 State Avenue

Ms. Parker,

Attached are the neighborhood meeting minutes for the Golf Entertainment Venue project noted above.

Sincerely,
CONTINENTAL CONSULTING ENGINEERS, INC.

A handwritten signature in black ink that reads "Brian C. Lavery". The signature is written in a cursive style with a large, stylized "B" and "L".

Brian C. Lavery, P.E.
Continental Consulting Engineers, Inc.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)

COUNTY OF WYANDOTTE)

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

1. That I am petitioner for Petition # COZ2024-024, SP2024-050, PLAT2024-022.
2. That I conducted a neighborhood meeting on July 24, 2024 at 5:30 P.M.
3. Attached are the meeting minutes of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant



SUBSCRIBED IN MY PRESENCE AND SWORN to before met this 25th day of July, 2024.

My commission expires 25th of April, 2027.



Notary Public



July 11, 2024

Address 1
Address 2
Address 3

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department #COZ2024-024, #SP2024-050 and #PLAT2024-022. The purpose of this:

(please use all that applies)

- change of zone
- special use permit
- preliminary plan review

is for an outdoor golf recreation and entertainment venue at the following address:
9400 State Avenue, Kansas City, Kansas 66111.

I am having a neighborhood meeting on Wednesday, July 24 at 5:30 p.m. online via Zoom.

Join Zoom Meeting

<https://us06web.zoom.us/j/84842036871?pwd=qDsBvbcsmbIaW47VVsFMndQ15EQeo9.1>

Meeting ID: 848 4203 6871

Passcode: 597097

Or dial in: 1 309 205 3325

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,

Brian Lavery
Continental Consulting Engineers, Inc.
913-642-6642
bl@ccengineers.com

Meeting minutes for #COZ2024-024, #SP2024-050 and #PLAT2024-022

Meeting started at 5:30 p.m. via Zoom

Attendees:

Brian Lavery, Continental
Todd Waldo, Topgolf
Greg Copeland, Topgolf
Chris Doyle, Homefield
Fr. Mark Mertes, St. Patrick Catholic Church
Jennifer (last name withheld)

Mr. Waldo with Topgolf opened the meeting with slides of the site plan and began to explain that Topgolf is planning to construct a new type of golf entertainment project south of proposed Margaritaville, west of existing apartments, east of Camping World and north of vacant parking.

Fr. Mertes asked "is this similar to the Overland Park location?"

Todd Waldo replied "no, this will be similar to the new Wichita, KS location. This location will have around 60 bays and the Overland Park location has 102 bays. This will be 2 story and the Overland Park location is 3 stories.

Fr. Mark asked "on your drawing, is that Margaritaville to the north?"

Todd Waldo replied "yes, Margaritaville is north, apartments are to the east"

Fr. Mark asked "where is your parking?"

Todd Waldo replied "west of our building" and indicated on the plan

Todd Waldo indicated that the building is oriented to the east with the driving range angled a bit north, it would have landscape buffer, 2 story building, indoor/outdoor hitting bays, full service restaurant and bar

Fr. Mark asked "will this have the netting"

Todd Waldo replied " yes, 156 feet tall above finish floor"

Jennifer asked "Is the main entrance from State Avenue or Parallel?"

Todd Waldo replied "the main entrance is from 98th and State Ave"

Fr. Mark indicated that you can access it from Parallel, but it is a long way.

Todd Waldo said that Topgolf is an interstate based destination and will serve people on the north and west side of Kansas City.

Jennifer asked "when is it projected to be done"

Todd Waldo said that it would open by summer or 2026

Fr. Mark asked if there were plans for the existing old Schlitterbahn parking lot to the south

Todd Waldo said that he wasn't sure if the developer had plans for that

Fr. Mark asked about light mitigation for the apartments

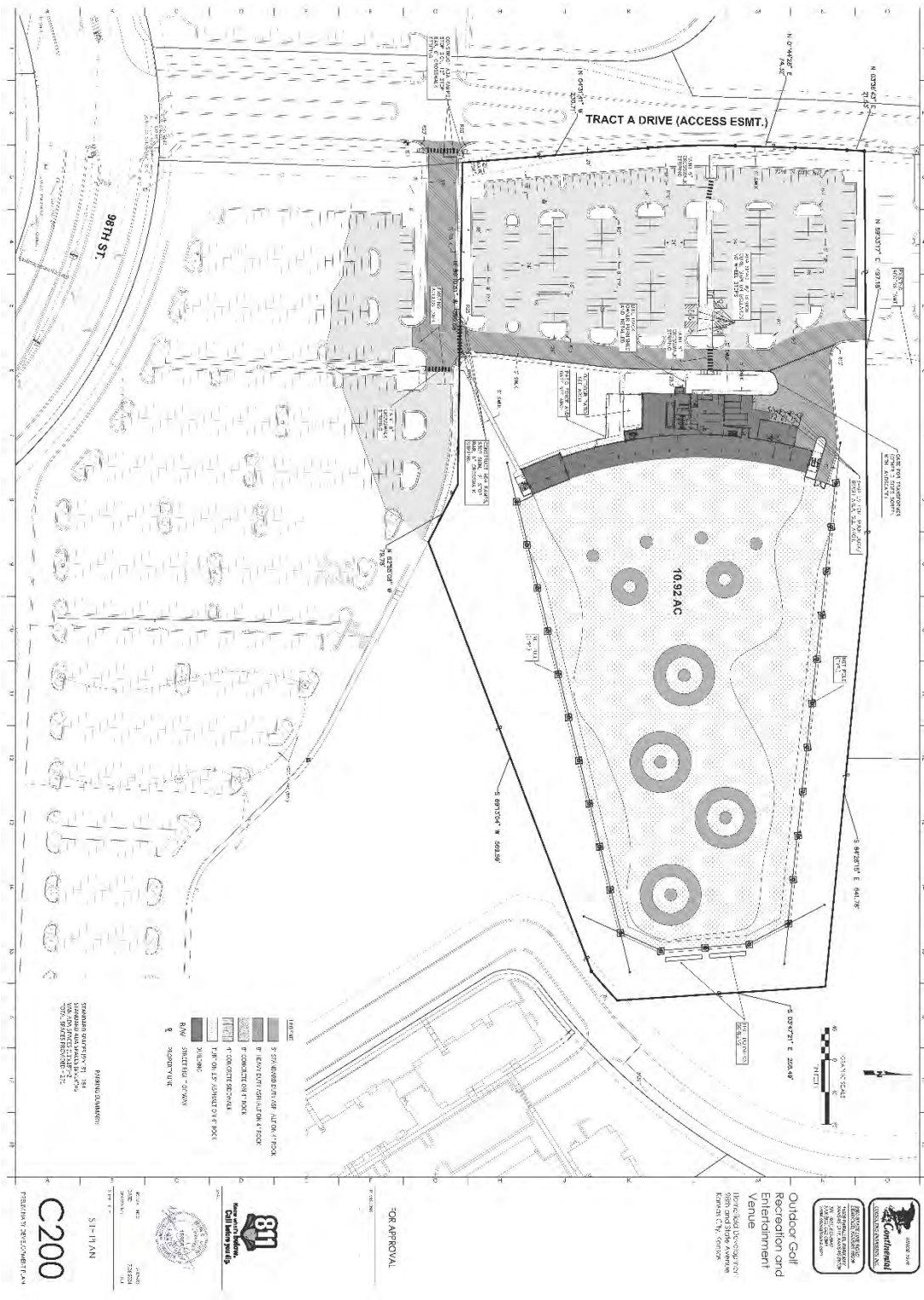
Todd Waldo said the driving range is slightly oriented to the northeast and they will calibrate and focus the lighting so it doesn't spill beyond and will have a landscape buffer, they want to be good neighbors, they have apartments adjacent to the outfield in Wichita and have worked out the lighting on that project and he showed a photo.

Fr. Mark indicated that he is the pastor at St. Patrick's, walks the site regularly and noticed the lighting for the Homefield baseball was done well and doesn't add to the ambient lighting of the area.

Todd Waldo asked if there were any questions and walked through some additional photos of project and showed some with lighting at night and indicated they will go to the Planning Commission on 8/12 and the package would be available online at that time for the public to view.

The meeting ended at 6 p.m.

SITE PLAN



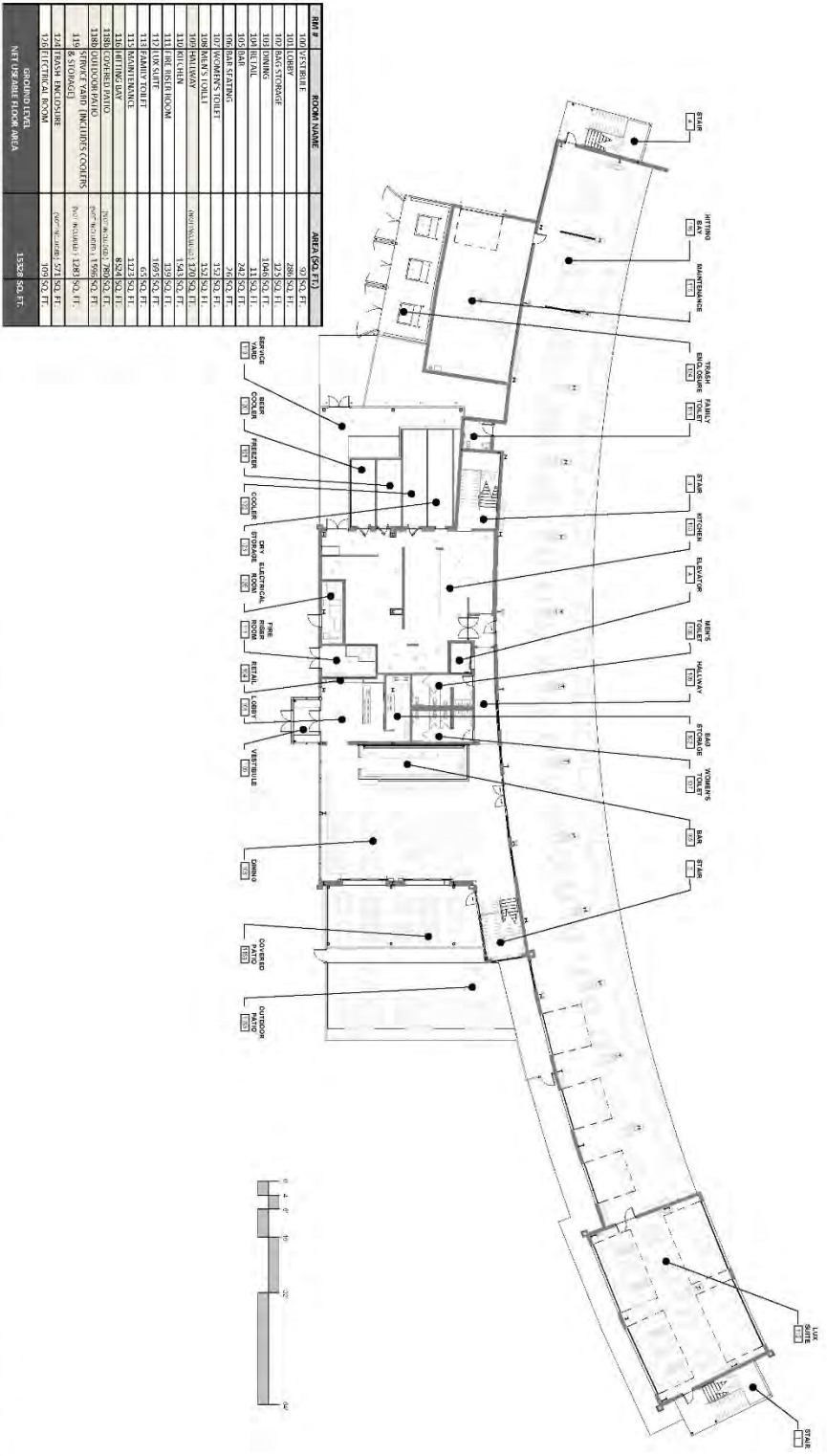
27



28



FLOOR PLAN



[illegible]

GROSS FLOOR AREA
16,215 TOTAL SQUARE FEET
AT GROUND LEVEL

Floor Plan - Upper Level

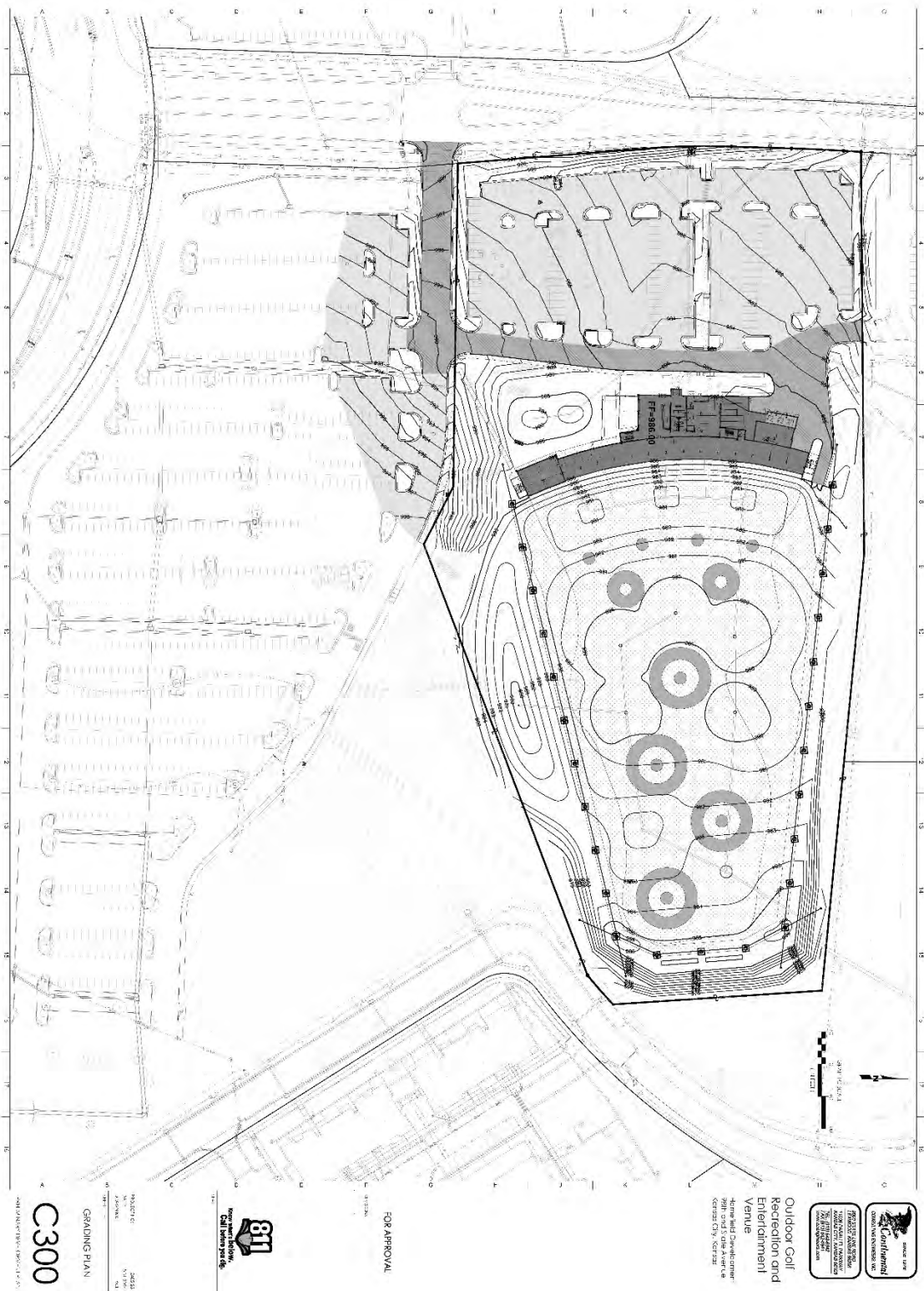
HYBRID 64 BAY	Planning and Zoning	July 26th, 2024	A102
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GROUP

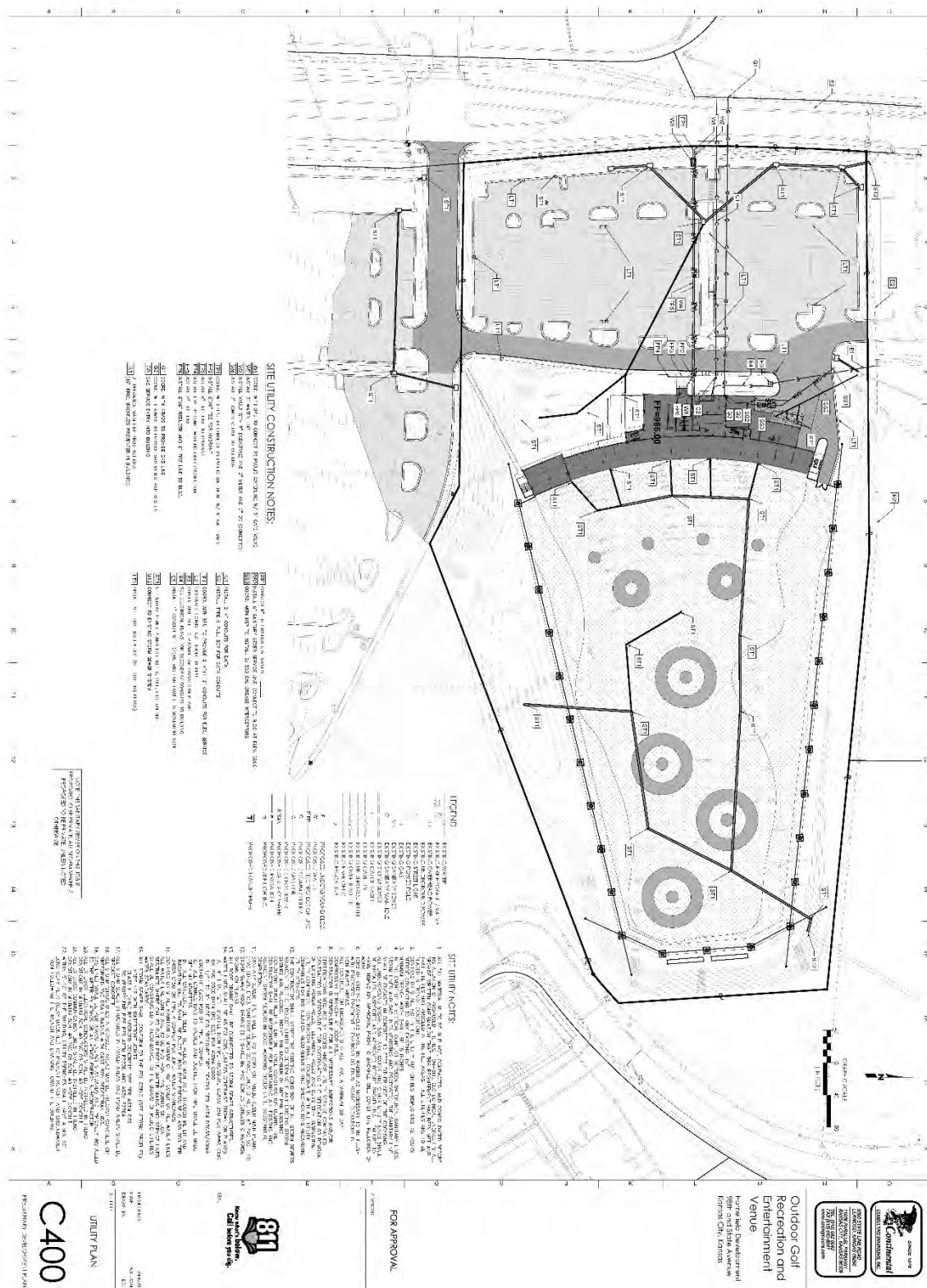
EROSION CONTROL PLAN



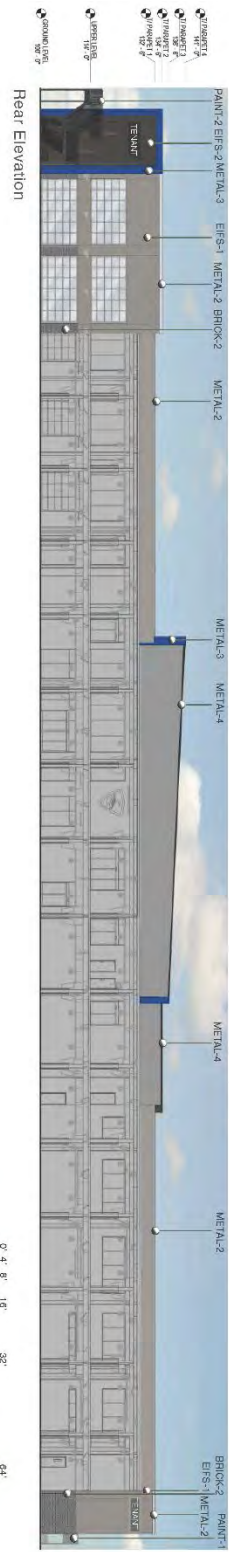
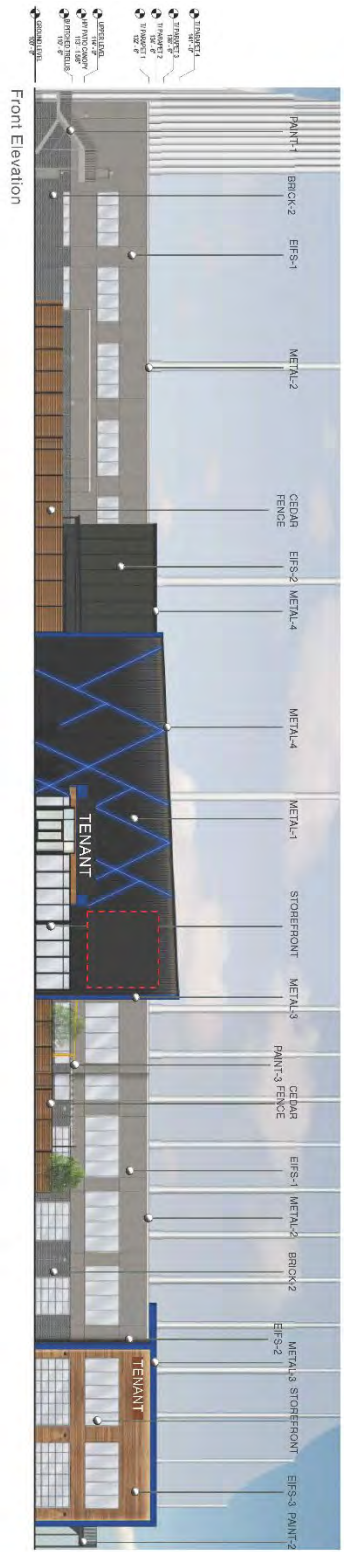
GRADING PLAN



COZ2024-024

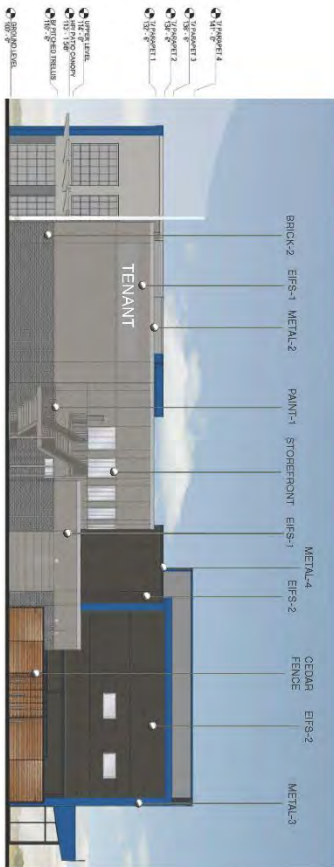


ELEVATIONS



HYBRID 64 BAY | Planning and Zoning | July 25th, 2024 | A201





Left Elevation



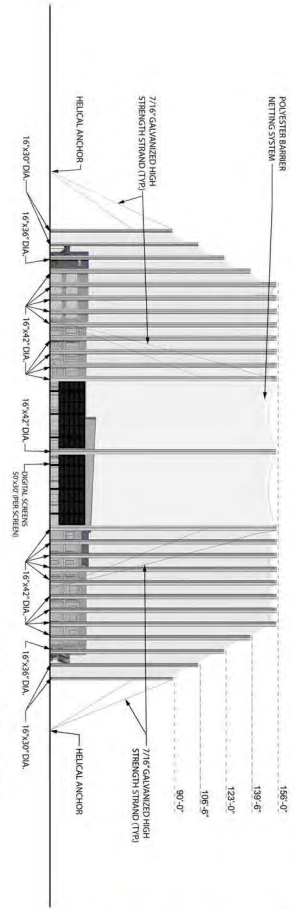
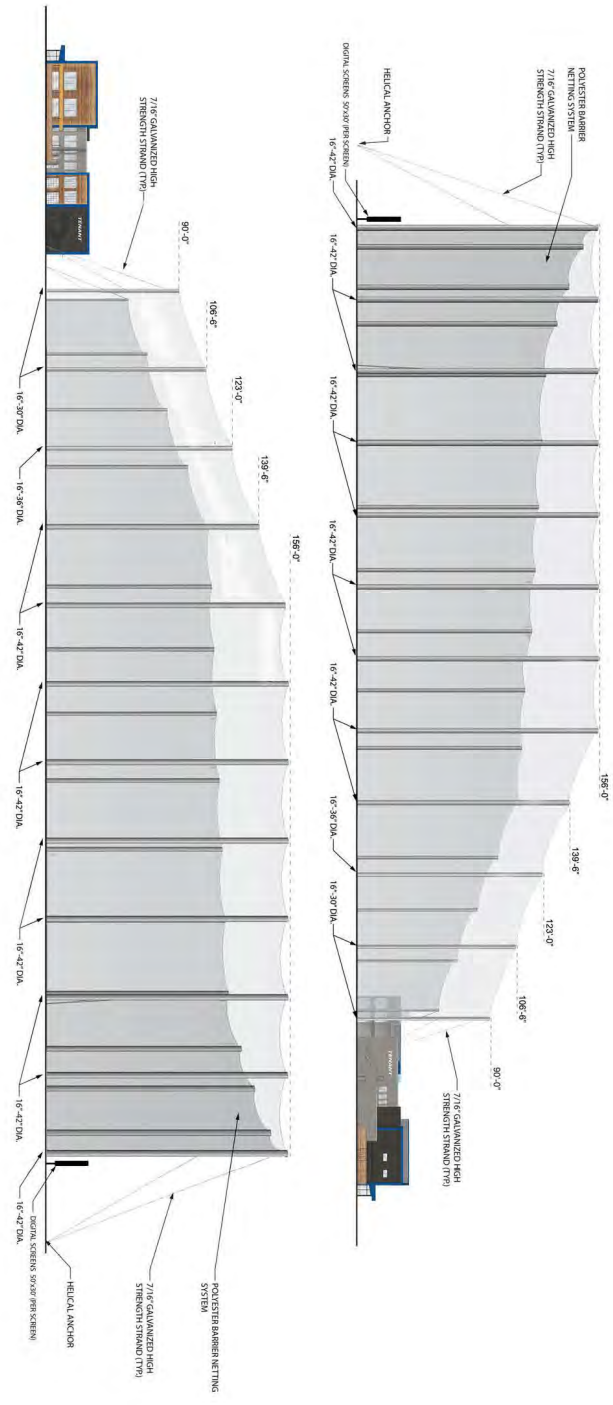
Right Elevation



Exterior Elevations

HYBRID 64 BAY | Planning and Zoning | July 28th, 2024 | A202

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POLYESTER BARBIE NETTING SYSTEM
 NETTING COMPONENT:
 - POLYESTER NETTING, 1" MESH SIZE
 - LONG STITCH PHOTO LESS JOIN
 - 116.2 LB. AVERAGE SINGLE MESH BREAK
 STRENGTH
 - 448 BOUNDED POLYESTER TWINE
 ATTACHMENT TWINE HANGING TWINE
 - 300 LB. AVERAGE SINGLE MESH BREAK
 STRENGTH
 - 448 BOUNDED POLYESTER TWINE
 ATTACHMENT TWINE HANGING TWINE
 - 300 LB. AVERAGE SINGLE MESH BREAK
 STRENGTH
 - 448 BOUNDED POLYESTER TWINE
 ATTACHMENT TWINE HANGING TWINE
 - 300 LB. AVERAGE SINGLE MESH BREAK
 STRENGTH



Net Pole - Elevations

HYBRID 64 BAY | Planning and Zoning | July 26th, 2024 | A203

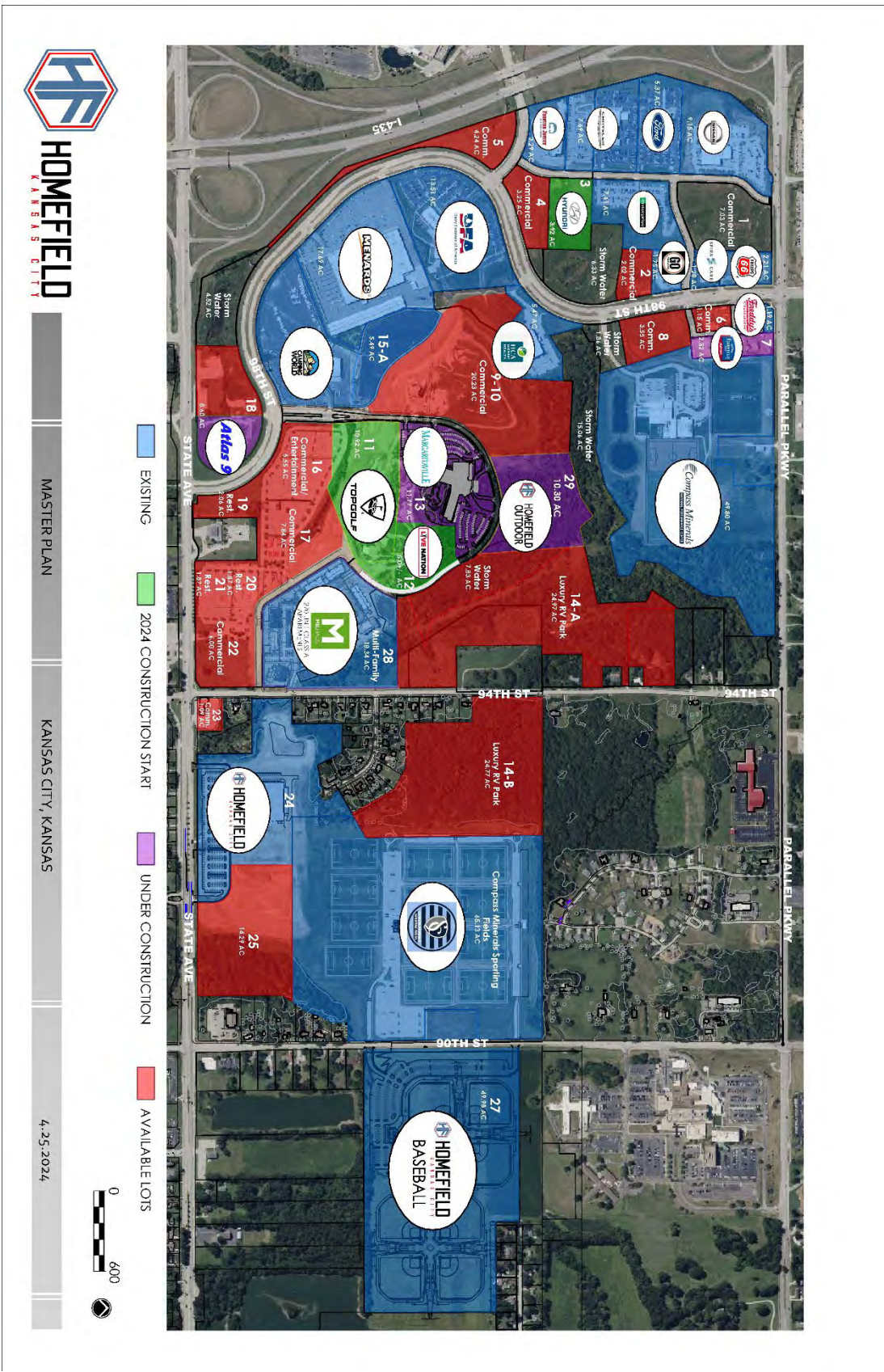


MATERIAL CALCULATIONS

Proposed Material in Resubmittal %	Originally Proposed Material %
TOTAL FRONT FAÇADE AREA – 12,699 SF EIFS: 4,590 SF (36%) METALS: 3,883 SF (31%) GLAZING: 3,068 (24%) BRICK: 865 SF (7%) MISC/OTHER: 293 SF (2%)	TOTAL FRONT FAÇADE AREA – 12,699 SF EIFS: 5,455 SF (43%) METALS: 3,883 SF (31%) GLAZING: 3,068 (24%) MISC/OTHER: 293 SF (2%)
TOTAL LEFT FAÇADE AREA – 3,578 SF EIFS: 2,227 SF (62%) METALS: 267 SF (7%) GLAZING: 170 SF (5%) BRICK: 563 SF (16%) MISC/OTHER: 351 SF (10%)	TOTAL LEFT FAÇADE AREA – 3,578 SF EIFS: 2,790 SF (78%) METALS: 267 SF (7%) GLAZING: 170 SF (5%) MISC/OTHER: 351 SF (10%)
TOTAL RIGHT FAÇADE AREA - 4,898 SF EIFS: 2,863 SF (58%) METALS: 554 SF (12%) GLAZING: 1,287 SF (26%) BRICK: 134 SF (3%) MISC/OTHER: 60 SF (1%)	TOTAL RIGHT FAÇADE AREA - 4,898 SF EIFS: 2,997 SF (61%) METALS: 554 SF (12%) GLAZING: 1,287 SF (26%) MISC/OTHER: 60 SF (1%)



HOMEFIELD MASTER PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED JULY 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: August 29, 2024

Re: Special Use Permit Petition SP2024-005

GENERAL INFORMATION

Applicant Information:

Kevin Villeda
Villeda's Workshop LLC
7600 Lucille Street, Apt. 10
Overland Park, KS 66214

Subject Property:

1101 Minnesota Avenue
Kansas City, KS 66101

Requested Action and Purpose:

Approval of a Special Use Permit to
have an automotive mechanic
workshop.

Commission Districts:

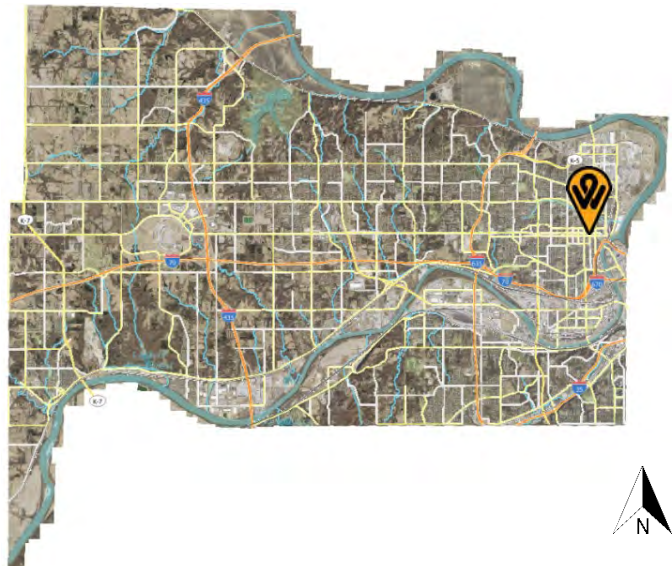
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
William (Bill) Burns

Existing Zoning District(s):

C-3 Commercial District

Comprehensive Plan Area

Central Area and Downtown Area
Plans



	Adjacent Zoning	Adjacent Uses
North	C-3 Commercial District	Single-family home and vacant lots
South	C-3 Commercial and R-1(B) Single Family Districts	Commercial business
East	C-3 Commercial District	Commercial business
West	C-3 Commercial District	Single-family home

Total Tract Size: 0.42 Acres

Comprehensive Plan Designation: The Central Area Plan designates the subject property as Mixed Use, which allows restaurants, small and medium commercial, professional and office services, institutional such as schools, churches and libraries, mixed-density residential, parks, plazas, and open space.

The Downtown Area Plan designates the subject property as Urban Residential, which allows higher density residential, 12 units per acre or greater, townhomes/stacked flats, detached patio homes/zero lot line or single-family homes, live/work units with commercial/retail/office on the first floor and residential above are allowed at the corners of blocks. Institutions including schools and churches would be allowed within the urban residential land use designation.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Minnesota Avenue as a Minor Arterial and North 11th Street as a Local Street.

Parking Requirement: Section 27-467(e) 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. Staff cannot determine how large the building is, therefore, we cannot determine how many parking spaces are required.

Landscaping Requirement:

Section 27-467(g) A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 7,000 square feet of site area. Six-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.

Section 27-577(a)(5) Landscaping shall exceed the typical code by at least 75 percent. Five (5) trees are required. This does not include street trees and parking lot islands.

Advertisement:

The Wyandotte Echo – June 13, 2024
Letters to Property Owners – June 14, 2024
and June 30, 2024

Public Hearings:

August 12, 2024 and August 29, 2024

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kevin Villeda with Villeda's Workshop LLC, is requesting a Special Use Permit to an automotive repair and body shop at 1101 Minnesota Avenue.

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. 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. SP-2023-106 for automotive repair (Withdrawn in 2023).

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood, Wyandotte Countians Against Crime (WCAC) Neighborhood Group, Block Group 0417002. The neighborhood consists of mixed-use corridor along Minnesota Avenue, primarily to the west with commercial storefronts and single-family homes. This property appears to have been a gas station/repair shop from 1945, however there is no business license history.

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 various commercial businesses, but also single-family homes. The proposed use, which is commercial in nature, is compatible with nearby uses if properly managed because the building was constructed in 1945 as a service station/repair business.

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 automotive repair if managed properly. It has historically been used as a repair shop even though there is not a history of business licensing. If the hours of operation, effective screening and storage of inventory is properly managed and maintained, the use should not detrimentally affect nearby property.

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

The property appears to be vacant, although there has been various businesses advertising on the property in the past, but the length of time is unknown because there is not a history of a business license on the premises.

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

Special Use Permits are not addressed in the Central Area Plan. The Mixed-Use designation allows restaurants, small and medium commercial, professional and office services, institutional such as schools, churches and libraries, mixed-density residential, parks, plazas, and open space.

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 Minnesota Avenue, a Minor Arterial and South 11th Street, a Local Street, to accommodate it if managed properly. Minnesota Avenue has historically been a commercial area with frequent automotive and 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 commercial use and character, specifically east on Minnesota Avenue.

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 automobiles, however this is not foreseen to be a problem for nearby properties as it is a commercial area in which historically such uses were permitted by-right.

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

Land or water sources (combined sanitary and storm sewers) 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. There is no proposed expansion proposed or exterior modifications to the site.

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 repair. 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 scaled and dimensioned site plan to determine if there is enough space for vehicle parking and maneuvering areas of other vehicles.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 1101 Minnesota Avenue on July 24, 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 SP2024-005, **for two (2) years**, subject to:

1. The business shall close by 8:00 PM daily;
2. Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20% of the area of the main building and not in a required yard.
 - a. Operable vehicles that are in a state of disrepair (to be repaired) must be screened from public view by a solid enclosure or may be stored within the building;
3. Stripe the parking lot for customers, employees, and vehicles;
4. Install wheel stops in the customer parking lot and truck parking lot so vehicles do not roll into the grass or damage the fence;
5. Install an opaque gate door on the trash enclosure;
6. The sidewalk along North 11th Street needs to be repaired and restored;
7. If the property is sold, the associated Special Use Permit cannot be transferred to the new property owner or operator;
8. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be five (5) to six (6) feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be six (6) to 8 feet when planted as measured 12 inches above the ground;
9. 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;
10. 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:
 - a. Lighting shall be installed to have a 90-degree cutoff fixtures;
 - b. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate;
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 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;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

19. The Special Use Permit 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 two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
22. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board 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 **SP2024-005** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Central Area Plan
Land Use Map – Downtown Area Plan
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Floor Plan
Site Photographs

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	August 12, 2024 Approval	August 29, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-005** 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 **SP2024-005**, 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.

August 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:47:14:

SPECIAL USE PERMIT APPLICATION SP2024-005 – SOL JIMENEZ - SYNOPSIS:

Special Use Permit to operate an automotive repair business at 1101 Minnesota Avenue. Detailed Outline of Requested Action: The applicant, Kevin Villeda with Villeda's Workshop LLC, is requesting a Special Use Permit to an automotive repair and body shop at 1101 Minnesota Avenue.

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

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

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:48:30: Planner Toy stated between 1995 and 2017 this property operated as a repair shop and from 2018 to 2020 as a body shop. However, between 2020 and 2024 there was a lapse in business license which resulted in the filing of this Special Use Permit for the continuation of how the property has been operating. Applicant has been receptive and responsive to the Staff's comments. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:49:54:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-005 for two (2) years:**

Carson	Chairman
Ernst	Aye
Jones	Aye

Miller	Aye
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Not Present

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

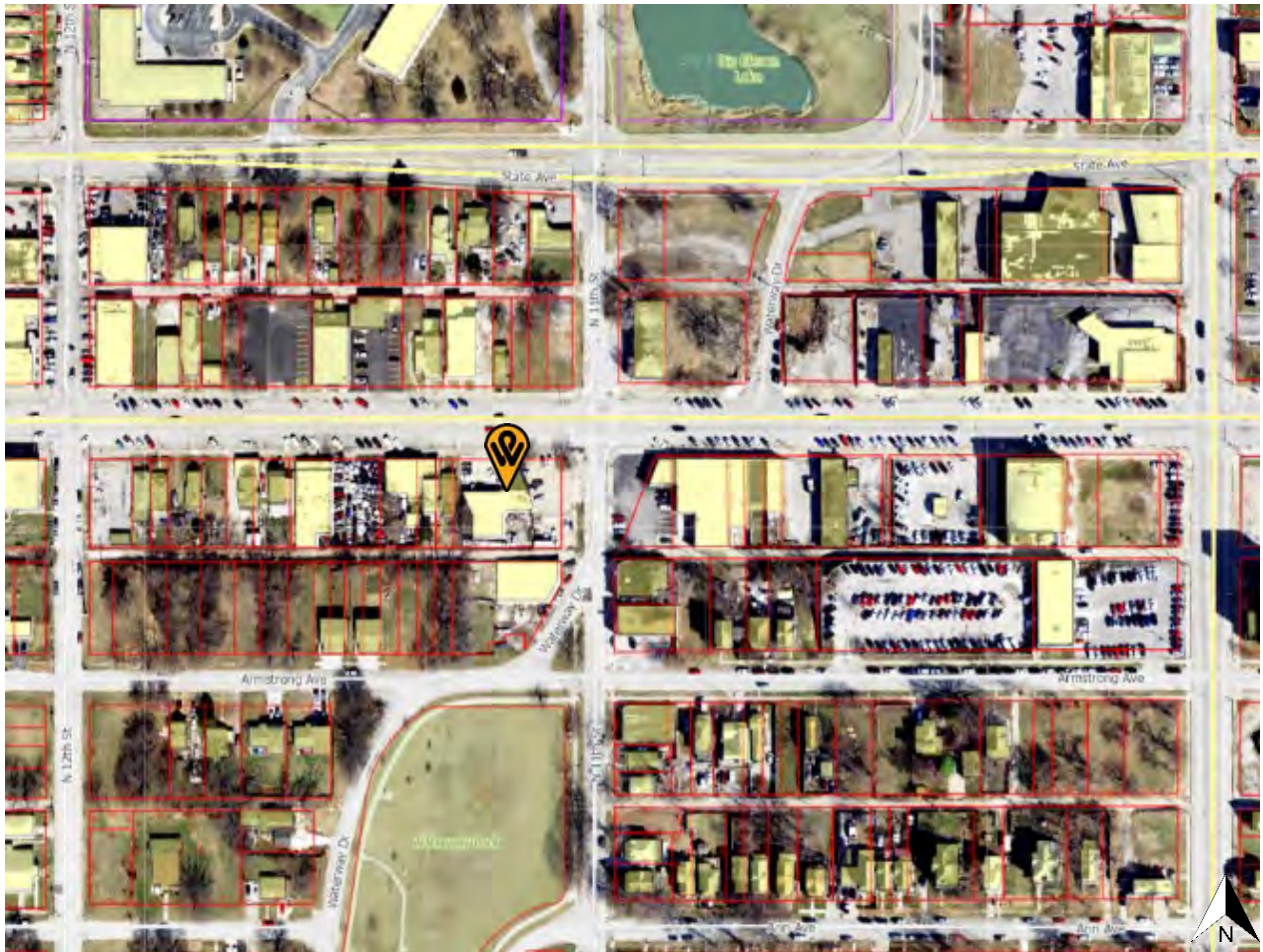
1. The business shall close by 8:00 PM daily;
2. Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20% of the area of the main building and not in a required yard.
 - a. Operable vehicles that are in a state of disrepair (to be repaired) must be screened from public view by a solid enclosure or may be stored within the building;
3. Stripe the parking lot for customers, employees, and vehicles;
4. Install wheel stops in the customer parking lot and truck parking lot so vehicles do not roll into the grass or damage the fence;
5. Install an opaque gate door on the trash enclosure;
6. The sidewalk along North 11th Street needs to be repaired and restored;
7. If the property is sold, the associated Special Use Permit cannot be transferred to the new property owner or operator;
8. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be five (5) to six (6) feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be six (6) to 8 feet when planted as measured 12 inches above the ground;
9. 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;

10. 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:
 - a. Lighting shall be installed to have a 90-degree cutoff fixtures;
 - b. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate;
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 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;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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



ADDITIONAL ATTACHMENTS





1101 MINNESOTA AVE, KANSAS CITY, KS 66102

The following information is in response to the memorandums received from Planning and Urban Design.

- 1) THE REPAIRS DONE AT VILLEDA'S WORKSHOP ARE DIAGNOSTICS, CHANGE OF SUSPENSION, MOTORS, BRAKES, AND INTERIOR WORKS.
- 2) THE AMOUNT OF WORK THEY HAVE MAY BE DIFFERENT EVERY DAY, WEEK, OR MONTH. THE AVERAGE WEEK WILL HAVE 5-8 CARS IN-HOUSE. IT USUALLY TAKES 1-3 DAYS TO FIX EACH CAR.
- 3) THERE ARE NO PLANS TO REPAIR THE SHOP. BASIC REPAIRS HAVE BEEN MADE SUCH AS PAINTING THE PARKING SPOTS, CLEANING, AND LANDSCAPING BUT EVERYTHING ELSE WILL STAY AS IS.
- 4) WATER DRAINS WERE INSPECTED, CLEANED, AND HAVE BEEN PERMANENTLY SEALED.
- 5) A DETAILED SITE PLAN WITH DIMENSIONS AND SPECIFIED PARKING AREAS ARE SHOWN ON ATTACHED DIAGRAM.
- 6) A TOTAL OF SEVENTEEN (17) PARKING SPACES INCLUDING (2) HANDICAP SPOTS WILL BE DESIGNATED FOR EMPLOYEES AND CUSTOMERS.
- 7) ALL PARKING AREAS WERE DESIGNED ACCORDING TO THE MEASUREMENTS OF THE BUILDING'S CODE OF ORDINANCES. EACH PARKING SPOT IS 9FT X 18FT AS REQUIRED.
- 8) LANDSCAPE ZONES ARE LOCATED IN AREAS IN THE BACK OF THE BUILDING, NEXT TO STORAGE AND GARAGE, AND ON THE SIDEWALK.
- 9) LANDSCAPE ZONES ARE IN COMPLIANCE WITH THE COMMERCIAL LANDSCAPING REQUIREMENTS.

Additional comments: We have already received the necessary licenses and permits at our current location. If there is anything else that you need or that you find that is missing, please don't hesitate to let me know so that I will do what is needed to comply with your request.

NEIGHBORHOOD MEETING SIGN- IN SHEET

RE: PETITION NUMBER SP-2024-005

JULY 24 2024

LOCATION : 1101 MINNESOTA AVE
KANSAS CITY, KS 66102

	NAME	ADDRESS	TIME	SIGNATURE
1	Cirilo Garcia	1106 Minnesota Ave.	6:25	Cirilo Garcia
2	Imelda Solis		6:25	Imelda Solis
3	Kevin Villeda	1328 H		
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

VILLEDA'S WORKSHOP

NEIGHBORHOOD MEETING MINUTES

APPLICATION NUMBER : SP-2024-005

Meeting Called to order at: 6:30pm

DATE: July 24 2024

LOCATION: 1101 Minnesota Ave KANSAS CITY KS 66102

At the neighborhood meeting held at the location identified above on JULY 24 2024 and called to order by KEVIN VILLEDA at 6:30pm with the following persons in attendance.

A) 2 Persons showed up to the meeting.. INDELISA SOLIS AND HUSBAND CIRILO GARCIA.

WE EXPLAINED THE Purpose FOR THE BUILDING USAGE .

The purpose of neighborhood meeting was to discuss the zoning change application filed with the Department of Urban Planning and Land Use by VILLEDA'S WORKSHOP identified by the application number.

3

Minutes taken and transcribed by : KEVIN VILLEDA

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wy) SS:

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

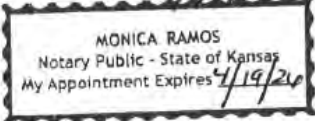
1. That I am the petitioner for Petition # SP-2024-005
2. That I conducted a neighborhood meeting on July 24/2024 At 6:30 PM
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

[Signature]
Affiant

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

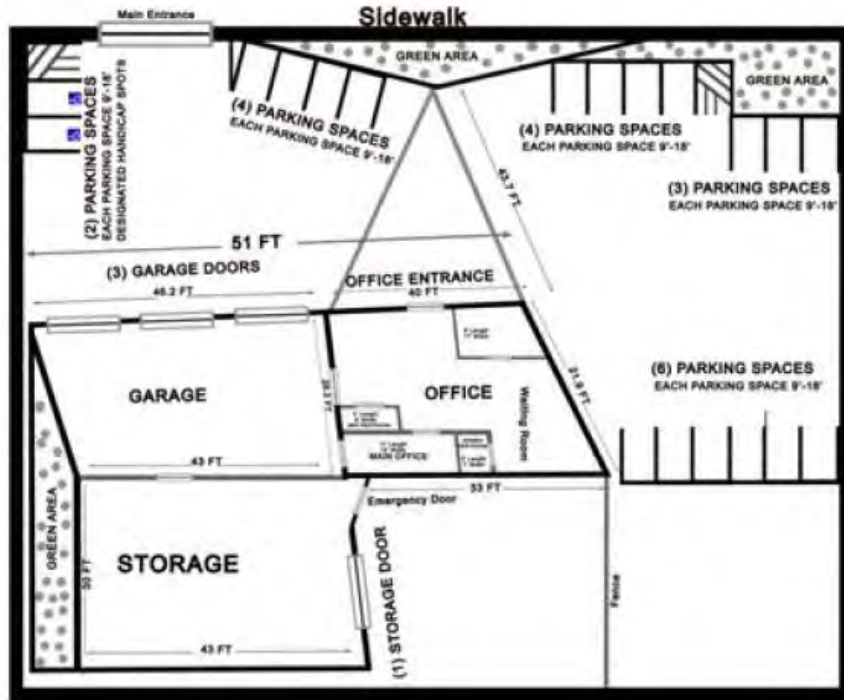
My commission expires 19th of April, 2026

[Signature]
Notary Public




1107 Minnesota Ave, Kansas City, KS 66102

MINNESOTA AVE



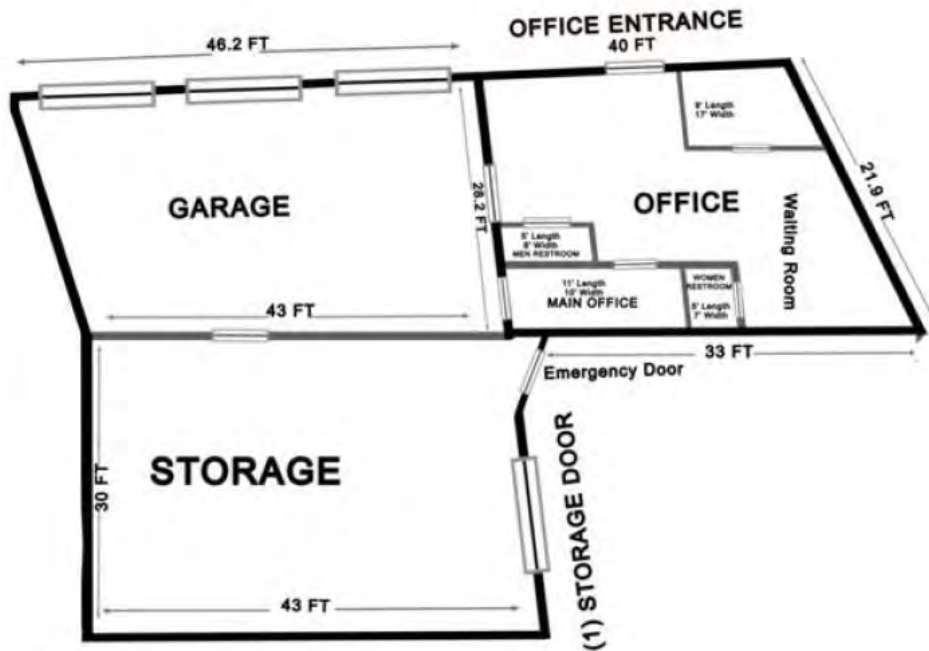
11th ST

Sidewalk





1101 MINNESOTA AVE, KANSAS CITY, KS 66102





1101 MINNESOTA AVE, KANSAS CITY, KS 66102



22



1101 MINNESOTA AVE, KANSAS CITY, KS 66102



21





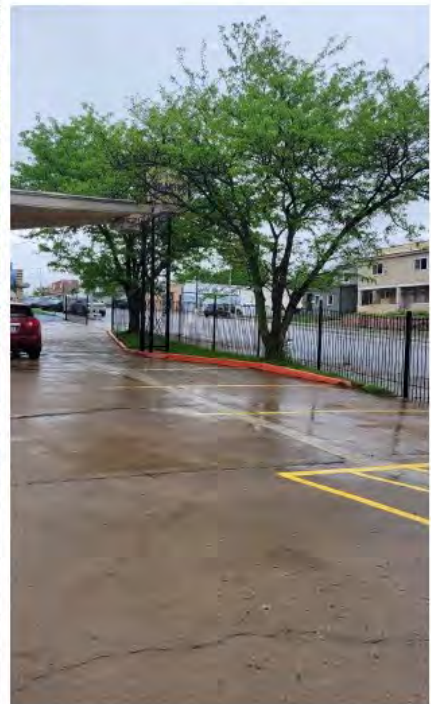
1101 MINNESOTA AVE, KANSAS CITY, KS 66102



23



1101 MINNESOTA AVE, KANSAS CITY, KS 66102





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: August 29, 2024
Re: Special Use Permit Petition SP2024-042

GENERAL INFORMATION

Applicant Information:

Lanxin "Linda" Zheng
Property Owner
3316 North 131st Street
Kansas City, KS 66109

Subject Property:

3316 North 131st Street
Kansas City, KS 66109

Requested Action and Purpose:

Approval of a Special Use Permit for
a short-term rental.

Commission Districts:

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

Existing Zoning District(s):

R Rural Residential and R-1 Large
Lot Single Family Districts (WYCO)

Comprehensive Plan Area

Prairie Delaware Piper



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-Family Residences
South	R Rural Residential (WyCo) and R-1 Large Lot Residential Districts (WYCO)	Single-Family Residence
East	A-G Agriculture District (WYCO)	Open Space Tract
West	A-G Agriculture and A-G Agriculture Districts (WYCO)	Agricultural Property

Total Tract Size: 10.69 Acres

Comprehensive Plan Area: Prairie Delaware Piper Area Plan

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates the subject property as Planned Suburban Residential, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots.

Major Street Plan: The goDotte Mobility Plan designates North 131st Street as a Local Street.

Parking Requirement: The Piper Annex Code, Article V, Section 4(4) states there shall be two (2) spaces per dwelling and two (2) spaces for any accessory house occupation of principle agriculture use.

The property requires four (4) spaces, which is provided on site.

Landscaping Requirement: The Piper Annex Zoning Code does not include any landscaping requirements. The standard defers to City Ordinance. Section 27-700(a) states “one (1) 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 property provides multiple trees, meeting the requirement.

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

June 30, 2024

Public Hearings:

August 12, 2024 and August 29, 2024

Public Support:

Applicant did not appear at the August 12, 2024, City Planning Commission meeting.

Public Opposition:

Four (4) people appeared in opposition at the August 12, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lanxin “Linda” Zheng, is requesting a Special Use Permit for a short-term rental at 3316 North 131st Street. While the property is owner occupied, there were several issues identified by Staff during their administrative review, which has resulted in this application escalating to a Special Use Permit.

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 official noise or disturbance complaints on the subject property under the current ownership. Staff, however, have received multiple complaints from nearby property owners and the Commissioner’s office, due to noise on the property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been several Notices of Violation on the property, including an active citation for tall grass.
 - a. 2024 – ABT24-0917 – Abatement – Tall Grass
 - b. 2024 – CAC24-0671 – Administrative Citation – STR without permits
 - c. 2023 – CAC23-3162 - Administrative Citation – STR without permits
 - d. 2023 – ABT23-1643 – Abatement – Tall Grass
 - e. 2023 – ZONE2023-060 – Zoning Enforcement – STR without permits

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 Prairie-Piper Statistical Neighborhood. The neighborhood consists of primarily large-lot single-family residences on large lots and medium-sized subdivisions with quarter acre lots.

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 District or the A-G Agricultural District (WyCo). Use of the property as a short-term rental may create issues with nearby property. While normally, a short-term rental would be compatible, the proposed scale of the short-term rental in question, with up to six (6) rooms, the possibility of multiple guests (three (3)) per room (when only two (2) are allowed) and multiple cars per renting party, creates an incompatibility with nearby property, as the property operates in a manner more akin to a traditional bed and breakfast or hotel, rather than a more "modern" rental such as an AirBnB or VRBO.

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 as a short-term rental is not suitable for the subject property currently. Through review, Staff has identified multiple issues on the property, including the potential of sewer or septic issues, pest control issues, complaints from nearby neighbors due to noise, complaints about the sanitation of the property and overall property maintenance. The applicant has not demonstrated how they intend to address these issues, or if these issues have been addressed. The size and scope of the rental, a six (6) room residence with an allowance for three (3) guests per room, may also create impacts such as noise and illumination, as well as overcrowding of the property.

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

The property is not vacant and has been owned and occupied by the applicant since December 2021 and operated as an unpermitted short-term rental since 2022.

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 Suburban Residential, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. While the subject property itself does not comply, the use as a short-term rental complies with 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 has the potential to increase traffic along North 131st Street. The applicant is renting the residence as six (6) individual rentals, with each room acting as its own rental. As a result, there is expected to be an increase in traffic along North 131st Street, though, it is not expected to exceed the capacity of the roadway.

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 the use exists solely as a revenue source for the property owner. While temporary lodging is considered a convenience, the current condition of the property risks the welfare of the public, as issues with mold, plumbing, sanitary/sewer, and sanitation persist on the property. Additionally, a short-term rental, with the possibility of up to 18 guests on site in addition to the property owners, risks creating a condition of overcrowding on the property, which negatively impacts the use, quality, and marketability of nearby 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, illumination, and vibration are common issues with short-term rentals. With the subject property, while there do not appear to be any formal noise complaints with KCKPD, Staff have received several complaints about noise from nearby property owners for both noise and other issues. Additionally, the Commissioner's Office and District Commissioner, Mike Kane, have also received complaints regarding noise on the subject property.

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

The proposed use is not expected to pollute the water or air. There are concerns with the on-site plumbing, as described in multiple guest reviews. Faulty or otherwise inadequate plumbing risks polluting the land if issues are not addressed properly.

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 single-family residence.

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 negligible. Per reports from guests of the subject property, there are concerns regarding the septic/sewer system of the property, as multiple guests reported inoperable toilets. There are also concerns regarding pests, including mice and other insects. Additionally, there are comments regarding the sanitation of the property, with open trash cans around the residence, and reports of trash and debris coming from the subject property onto neighboring properties. Failure to address these items would create an environment that negatively impacts public health, safety, and welfare. If denied, the property owner may not use the property for a short-term rental, but could operate a long-term rental, use the property solely for their primary residence, or sell the property.

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.*

The proposed use could potentially result in both the overcrowding of land and undue concentrations of population. The property owner is proposing to use the property for six (6) individual short-term rentals, one (1) in each of the five (5) bedrooms and one (1) in the basement. The applicant is currently advertising an allowance of three (3) guests per room, over the limit of two (2) per room set by Staff. This arrangement creates the potential for undue concentrations of population, especially if maximum occupancy limits are not followed, as well as overcrowding of land, due to an abundance of guest vehicles.

NEIGHBORHOOD MEETING INFORMATION

The neighborhood meeting can be held by the following:

- 1. In person**
- 2. Virtual Meeting**

The deadline for the neighborhood meeting is **June 24, 2024, and on June 26, 2024** you are required to send your information to Janet L. Parker, CMA/CSC/APC, Executive

Assistant, either by email (jparker@wycokck.org) or U.S. mail (Department of Planning + Urban Design, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101), which includes;

1. List of people who participated in your in-person, Zoom or Skype/Teams meeting.
2. List of people who contacted you with questions and comments – please document their names, address and questions/comments.
3. Signed and **notarized** affidavit that you held the meeting.

KEY ISSUES

Falsified Home Inspection Report
Fire Inspection
Improper Use of Rental License
Noise Complaints
Notices of Violation
Operation of an Unpermitted Short-Term Rental
Pest Control
Plumbing
UG Standard Driveway
Updated Inspection Documents

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of Special Use Permit Application SP2024-042, **as the use does not fit the neighborhood, the use is a nuisance, and unresponsiveness by the Applicant as outlined in the following comments by Staff:**

1. **The applicant did not host the required neighborhood meeting, nor did they respond to any Staff's request for responses;**
2. **The proposed use does not meet Factor to be Considered #2. The proposed operation of this rental operates in a manner more akin to a motel or a traditional bed and breakfast, rather than a short-term rental;**
3. **The proposed use does not meet Factor to be Considered #3. Through review, Staff has identified multiple issues on the property, including the potential of sewer or septic issues, pest control issues, complaints from nearby neighbors due to noise, complaints about the sanitation of the property and overall property maintenance. The applicant has not demonstrated how they intend to address these issues, or if these issues have been addressed;**
4. **The proposed use does not meet Factor to be Considered #7. The current condition of the property risks the welfare of the public, as issues with mold, plumbing, sanitary/sewer, and sanitation persist on the property. Additionally, a short-term rental, with the possibility of up to 18 guests on site in addition to the property owners, risks creating a condition of overcrowding on the property, which negatively impacts the use, quality, and marketability of nearby adjoining property;**

5. The proposed use does not meet Factor to be Considered #8. While there do not appear to be any formal noise complaints with KCKPD, staff have received several complaints about noise from nearby property owners for both noise and other issues. Additionally, the Commissioner's Office and District Commissioner, Mike Kane, have also received complaints regarding noise on the subject property;
6. The proposed use does not meet Factor to be Considered #9. There are concerns with the on-site plumbing, as described in multiple guest reviews. Faulty or otherwise inadequate plumbing risks polluting the land if issues are not addressed properly;
7. The proposed use does not meet Factor to be Considered #11. Per reports from guests of the subject property, there are concerns regarding the septic/sewer system of the property, as multiple guests reported inoperable toilets. There are also concerns regarding pests, including mice and other insects. Additionally, there are comments regarding the sanitation of the property, with open trash cans around the residence, and reports of trash and debris coming from the subject property onto neighboring properties. Failure to address these items would create an environment that negatively impacts public health, safety, and welfare; and,
8. The proposed use does not meet Factor to be Considered #13. The property owner is proposing to use the property for six (6) individual short-term rentals, one (1) in each of the five (5) bedrooms and one (1) in the basement. The applicant is currently advertising an allowance of three (3) guests per room, over the limit of two (2) per room set by Staff. This arrangement creates the potential for undue concentrations of population, especially if maximum occupancy limits are not followed, as well as overcrowding of land, due to an abundance of guest vehicles.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

1. This short-term rental was operating for two (2) years without a Special Use Permit. Was the applicant aware that they were required to obtain a Special Use Permit? Despite being informed of the unpermitted operation, and receiving multiple citations, why has the applicant continued to operate despite being told to cease operation until the proper permits have been obtained?

Applicant Response:

2. The applicant applied for a rental license, however, this license is provisional, as the applicant did not allow rental inspection Staff to inspect the subject property. The applicant has been using their rental license to operate as a short-term rental, as evidenced by reviews on their multiple listings. Despite the fact their description states "30 day stay required", their official listings allow guests to book at a minimum of only one (1) night.

Applicant Response:

3. The provided home inspection report, dated May 3, 2024, is insufficient. It appears that the applicant used their initial home inspection report from 2021, removed the “significant defects”, and placed a new date on it. The inspector who performed the initial inspection confirms that they did not perform an inspection on May 3, 2024, rather, performed an inspection on December 17, 2021. If true, it appears that the applicant falsified their submitted inspection documents.

Applicant Response:

4. As the provided home inspection report is both out of date and falsified, the applicant shall have a new home inspection completed. This report shall not be provided by the applicant, but rather the inspector themselves, to ensure no alterations have been made to the report.

Applicant Response:

5. Reviews from guests of this unpermitted short-term rental suggest that there is a pest control problem, as rodents and insects, a pest control inspection shall be conducted. This report shall not be provided to Staff by the applicant, but rather the inspector themselves, to ensure no alterations have been made to the report.

Applicant Response:

6. Reviews from guests of this unpermitted short-term rental suggest that there are issues with flushing the toilets in the residence, or at very least, flushing toilet paper. As a result, the applicant shall have plumbing and sewer, or septic inspection conducted. This report shall not be provided to Staff by the applicant, but rather the inspector themselves, to ensure no alterations have been made to the report.

Applicant Response:

7. Reviews from guests of this unpermitted short-term rental suggest that there are issues with mold in the residence. A mold inspection (which may be provided as part of the home inspection report) shall be conducted. This report shall not be provided to Staff by the applicant, but rather the inspector themselves, to ensure no alterations have been made to the report.

Applicant Response:

8. Provide the required application fee of \$470.00 to Planning Staff.

Applicant Response:

9. Are animals being kept on the property? If so, what kind and how many?

Applicant Response:

10. Provide a signed and notarized signature page to Planning Staff.

Applicant Response:

11. Provide the required dimensioned site plan of the property.

Applicant Response:

12. Provide the required dimensioned floor plan of the residence.

Applicant Response:

13. Provide the required proof of liability insurance.

Applicant Response:

14. Provide a description of the areas rented for the short-term rental. What is the maximum number of vehicles allowed and where will they park? Indicate guest parking on the site plan.

Applicant Response:

15. What is the maximum number of people that will be staying at any one time?

Applicant Response:

16. Who will be the designated property manager? Explain the details of this arrangement. What is their contact information? Provide the contact information to the neighbors within the notice area.

Applicant Response:

17. How will you communicate with the neighbors if there are any issues?

Applicant Response:

18. In the event that there is an issue on the property, how fast can the owner or manager be on-site if necessary?

Applicant Response:

19. What is the projected annual occupancy rate for this listing?

Applicant Response:

20. Indicate how you will maintain the property in a safe and sanitary manner, including:
- a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of 4 or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational
 - h. Electric panel and circuits must be safe; and
 - i. Facility cleaned and sanitized after each guest check-out.

Applicant Response:

21. How will you pay appropriate Kansas State Lodging Taxes? Does AirBNB or other short-term rental platform deduct and pay these taxes?

Applicant Response:

22. Do you provide a guest manual that lists rules and regulations such as "no parties," etc.?

Applicant Response:

23. Will guests be allowed to bring pets to the property?

Applicant Response:

24. Note that the Unified Government uses the services of Host Compliance by Granicus to monitor issues related to short-term rentals such as noise, etc. and to address violations. Their contact information needs to be made available to all guests in the welcome packet. The Unified Government issues notices on all short-term rentals who are not compliant. 913-246-5133.
www.hostcompliance.com/tips.

Applicant Response:

Additional Staff Comments: While normally, Staff would allow an applicant additional time to respond to Staff comments and concerns, the applicant has continued to ignore Staff requests, and has not been responsive to Staff, since their denial letter for their administrative short-term rental was sent on June 24, 2024. Given the reported condition of the property and safety concerns, Staff has chosen to bring this petition forward for consideration. If the applicant wishes to provide the requested documentation and address the issues on site, Staff is open to allowing for a continuance of this petition. As the applicant has not conducted the required neighborhood meeting or posted proper on-site notice, this petition may not be recommended for approval.

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 **DENIAL** of Petition **SP2024-042** with all comments and suggestions outlined in this staff report, and the reasons outlined by the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Denial of Administrative Short-Term Rental Application
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	August 12, 2024 Denial	August 29, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-042**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-042** 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. _____.

August 12, 2024, City Planning Commission Minutes:

Hearing starts at Recording 2 – 44:60:

SPECIAL USE PERMIT APPLICATION SP2024-042 – LANXIN ZHENG - SYNOPSIS:

Special Use Permit to operate a Short-Term Rental at 3316 North 131st Street. Detailed Outline of Requested Action: The applicant, Lanxin “Linda” Zheng, is requesting a Special Use Permit for a short-term rental at 3316 North 131st Street. While the property is owner occupied, there were several issues identified by Staff during their administrative review, which has resulted in this application escalating to a Special Use Permit.

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 August 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- Steve Wolfe, 3414 North 131st Street, Kansas City, Kansas 66109
- Tony Martinez, 12949 Sloan Avenue, Kansas City, Kansas 66109
- Lisa Miller, Lynch Real Estate, representing properties owned in the subdivision
- Emily Murphy, 12941 Sloan Avenue, Kansas City, Kansas 66109

Staff Recommendation starts at Recording 2 – 46:18: Planner Molloy gave an overview of the application as the Applicant was not present. This request is for a Special Use Permit for a Short-term Rental. The Applicant has not held a neighborhood meeting or responded to the draft staff report. During review of this request as an Administrative STR and now this Special Use Permit Staff identified several potential issues with sewer and septic issues on the property and noise issues that were reported to the Board of Commissioners Office, particularly District 5 Commissioner. Issues with overcrowding and advertising of the Short-Term Rental have been identified. Staff recommends denial of this application for the reasons listed in the staff report. Planner Molloy stated that the Applicant has a long-term rental license, but not a short-term rental license.

Motion starts at Recording 2 – 57:20:

On motion by Mr. Beth, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2024-042 as the use does not fit the neighborhood, the use is a nuisance, and unresponsiveness by the Applicant:**

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

Motion to recommend DENIAL Passed: 8 to 0

Outlined in the Staff Report:

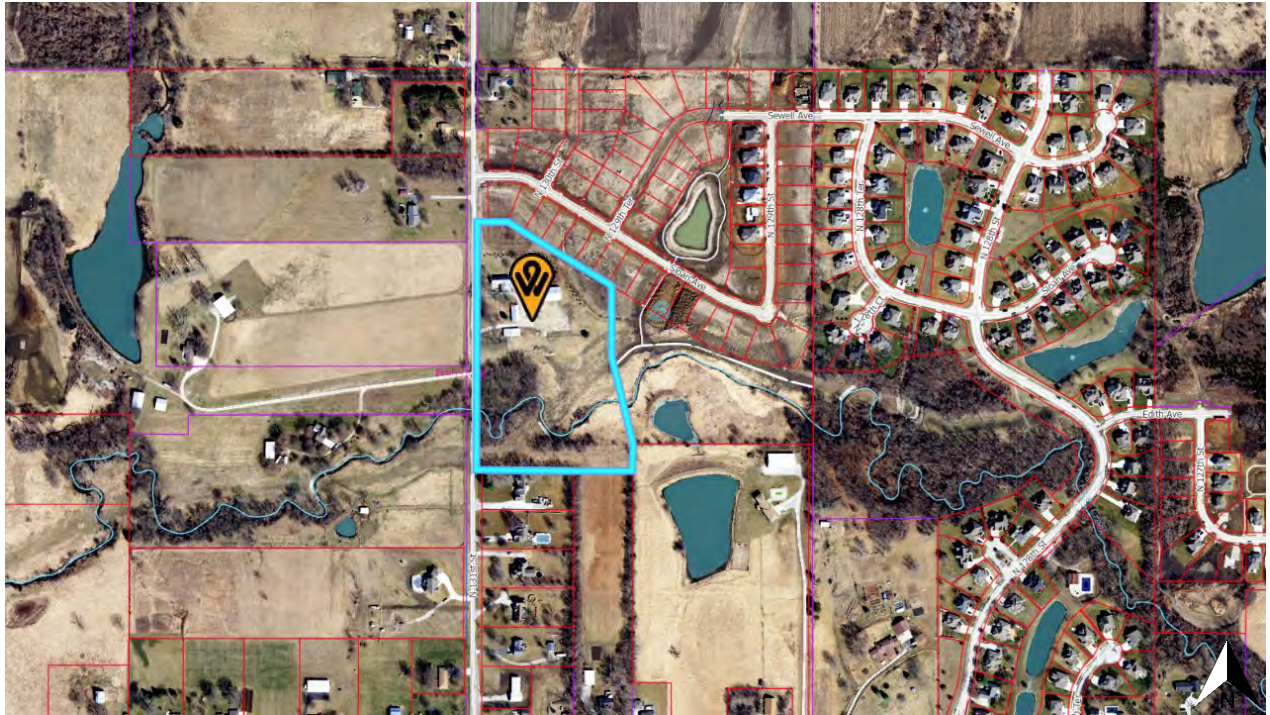
- 1. The applicant did not host the required neighborhood meeting, nor did they respond to any Staff's request for responses;**
- 2. The proposed use does not meet Factor to be Considered #2. The proposed operation of this rental operates in a manner more akin to a motel or a traditional bed and breakfast, rather than a short-term rental;**
- 3. The proposed use does not meet Factor to be Considered #3. Through review, Staff has identified multiple issues on the property, including the potential of sewer or septic issues, pest control issues, complaints from nearby neighbors due to noise, complaints about the sanitation of the property and overall property maintenance. The applicant has not demonstrated how they intend to address these issues, or if these issues have been addressed;**
- 4. The proposed use does not meet Factor to be Considered #7. The current condition of the property risks the welfare of the public, as issues with mold, plumbing, sanitary/sewer, and sanitation persist on the property. Additionally, a short-term rental, with the possibility of up to 18 guests on site in addition to the property owners, risks creating a condition of overcrowding on the property, which negatively impacts the use, quality, and marketability of nearby adjoining property;**
- 5. The proposed use does not meet Factor to be Considered #8. While there do not appear to be any formal noise complaints with KCKPD, staff have received several complaints about noise from nearby property owners for both noise and other issues. Additionally, the Commissioner's Office and District Commissioner, Mike Kane, have also received complaints regarding noise on the subject property;**
- 6. The proposed use does not meet Factor to be Considered #9. There are concerns with the on-site plumbing, as described in multiple guest reviews. Faulty or otherwise inadequate plumbing risks polluting the land if issues are**

not addressed properly;

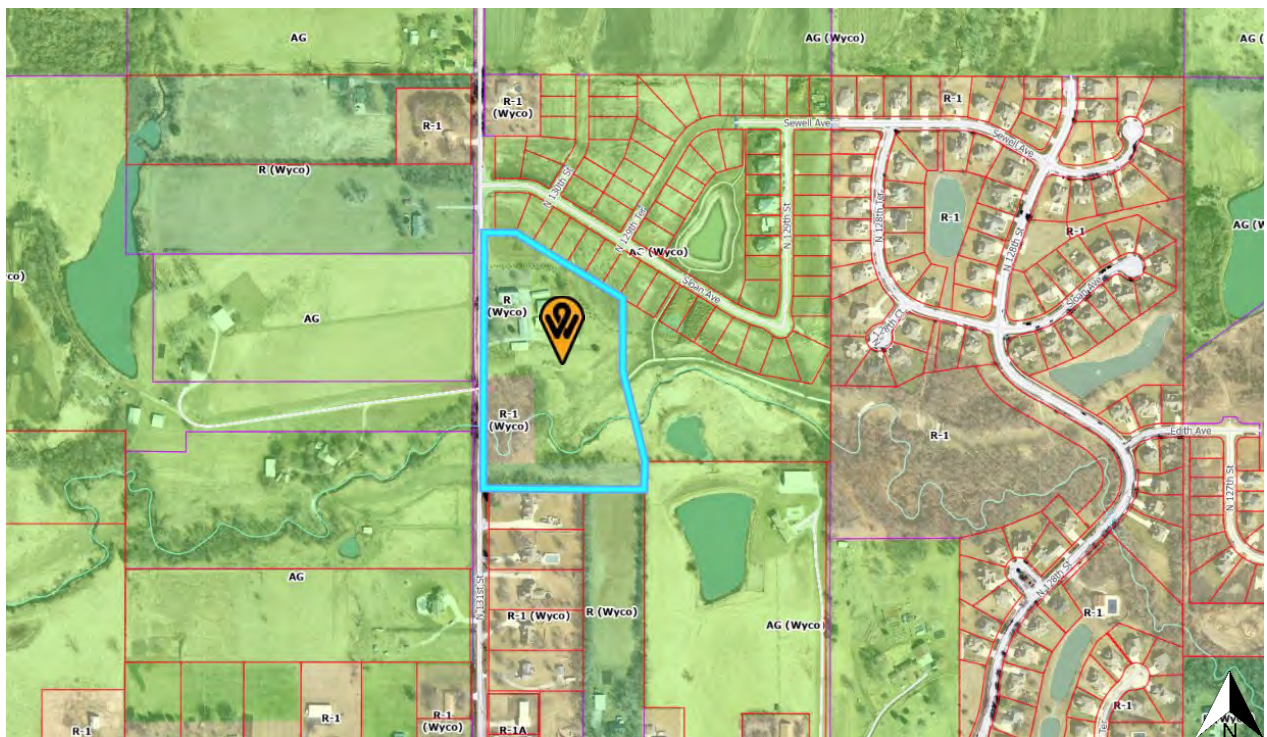
7. The proposed use does not meet Factor to be Considered #11. Per reports from guests of the subject property, there are concerns regarding the septic/sewer system of the property, as multiple guests reported inoperable toilets. There are also concerns regarding pests, including mice and other insects. Additionally, there are comments regarding the sanitation of the property, with open trash cans around the residence, and reports of trash and debris coming from the subject property onto neighboring properties. Failure to address these items would create an environment that negatively impacts public health, safety, and welfare; and,
8. The proposed use does not meet Factor to be Considered #13. The property owner is proposing to use the property for six (6) individual short-term rentals, one (1) in each of the five (5) bedrooms and one (1) in the basement. The applicant is currently advertising an allowance of three (3) guests per room, over the limit of two (2) per room set by Staff. This arrangement creates the potential for undue concentrations of population, especially if maximum occupancy limits are not followed, as well as overcrowding of land, due to an abundance of guest vehicles.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



DENIAL OF ADMINSTRATIVE SHORT-TERM RENTAL APPLICATION



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

Re: Zoning Business License Approval Remarks – Short-Term Rental Review for Administrative Special Use Permit.

Date: 05/09/2024

Special Use Permit No: TBD

Parcel No.: 957602

Current Zoning: R-1 (Wyco) Single Family District, R (Wyco) Rural Residential District, AG (Wyco) Agricultural District

Description: 9576, S29, T10, R23, ACRES 10.69, BEG 586.37FT S & 20FT E OF NW COR SW1/4; E 117.15FT, S60E-469.28FT, S 269.36FT, S16E-343.7FT, S 102.05FT, W 599.02FT, N 950.99FT TO POB CONTG 10.69AC M/L

Property Address: 3316 N 131ST ST, KANSAS CITY, KS 66109

Additional Addresses:

Property Owner: Lanxin "Linda" Zheng DBA 3316 N 131ST ST TRUST

Property Manager: Self-Managed by L. Zheng

Zoning Remarks – Short-Term Rental Application (Accommodation)

- Linda has stated that she lives on-site on the property, in the downstairs area, for a minimum of 272 days per year, making this property eligible for Administrative Review.
- The Trust that the property that owns the property includes Linda in its administration. Although recently transferred to the trust, parties within the trust either directly owned the property or participated in its management since they purchased the property on December 29, 2021.
- The applicant has stated on the application that the number of units used for a short-term rental is "4" with "5" total units. Staff believes that this is four (4) bedrooms that are to be rented out of the five (5) bedrooms in the dwelling unit, not five (5) separate dwelling units.
- Current Listings on AirB&B show that six (6) rooms are available for rent, rather than five (5) as indicated. None of the listings currently display the basement unit as listed. It is believed that there are five (5) bedrooms plus a closed-off living room space listed for rent.
- Per Section 27-623(a)(4)(iv) neighbor complaints are taken into consideration when evaluating the performance standards of short-term rental activity. The following activity is noted that may be considered relevant and was used during the evaluation of the property:
 - Two (2) phone calls from the neighbor across the street at 3414 N. 131st to Planning Department Staff
 - These phone calls resulted in a series of follow-ups through Commissioner Kane's office.
 - An email complaint received by Commissioner Kane
 - CMP22-1357: Enforcement Complaint – Tall Grass and Weeds (closed)

- QRT22-0115: Quick Response Trash Notice – remodeling debris left on curb (closed/resolved at no fault of property owner)
- ABT22-1802: Abatement – Tall grass and Weeds (closed)
- ZONE2023-060: Zoning Enforcement: Notice of Violation - Operating a STR without a Special Use Permit (closed)
- CMP23-1448: Enforcement Complaint – tall grass and weeds (closed)
- ABT23-1643: Enforcement Complaint – tall grass and weeds (closed)
- CAC23-3162: Code Citation – Zoning Citation related to ZONE2023-060 (appeal denied – closed)
- CMP24-0478: Enforcement Complaint – farmstand in right of way (closed)
- While staff did not obtain police reports for calls to service at this address, staff has a knowledge of multiple calls to service at this address, and reports may be obtained by staff as part of a larger examination of the Special Use Permit application.
- Per Section 27-623(b)(3)(iii) the following items are required as part of an administrative review submission:
 - An affidavit, signed by the property owner, attesting to the satisfaction of safety and habitability standards.
 - Checklist is not checked off
 - The signature page is missing a notary stamp, although the property owner's consent form is notarized.
 - Proof of an active lodging establishment license, if required by state statute
 - As the property is larger than 3 bedrooms and potentially more than 7 unrelated persons could be staying at the property, a lodging inspection is required. The applicant has previously been made aware of this requirement and an approved lodging inspection was not provided. **Proof of passing Lodging Inspection Licensing is required.**
 - Proof of homeowners' insurance.
 - Proof of home ownership policy has been provided however the listed insured is Dan Huang. The policy needs updated to reflect that the property has since been transferred into a trust to ensure that accurate coverage is provided. **Please update the policy and send a PDF of the new declarations page showing the trust as a named insured.**
 - Provide a management plan for the property.
 - It has been noted that Linda will live on-site in the downstairs area of the home, but no details as to how maintenance or housekeeping are handled. **More details are needed to demonstrate how maintenance and housekeeping are handled by the hosts.**
 - Provide a guest book of important contact information, including contact information by which the property owner or their designee is reasonably accessible, and a list of all house rules: 1. The list of rules must include a prohibition on parties; 2. Contact information for the property owner or their designee; 3. This manual must inform guests that the Unified Government enforces this policy and must include the contact information to report any violations.
 - Although listings do show that no parties are allowed, no guest book or any contact information was provided. **Please provide a guest book displaying all the required information.**
 - An accurate and to-scale floor plan, including all exits for fire safety purposes.
 - A floor plan was provided, although it does not appear to show the entire home or all areas available for rent. Bedrooms 1-4 are shown on the plan, but spaces 5 and 6 are not, nor is the basement area. **Please provide an updated and accurate floor plan that displays all rooms and areas of the home, including**

those not available for rent, and their egress locations.

- Additional site plans and other related materials, at the discretion of the director of planning and/or their designee(s).
 - No additional information is being requested at this time other than outlined in the additional bullet points within this memo.
- Reports from any other inspection, as determined by unified government staff.
 - A State Lodging Inspection has been requested due to the home size and potential number of guests. **Please provide a copy of your passing state lodging inspection license inspection.**
- Report from a full safety home inspection. For a new administrative review only, the report from a full safety home inspection conducted within the past six months by a home inspector registered with the unified government and in compliance with all business licensing requirements.
 - A home inspection was provided, although it was a summary inspection (limited or five-point) and not a full home inspection. All areas of the house need to be fully inspected, including those that are not available for rent. **Please submit a comprehensive home inspection.**
- Additional information was initialed on the application but has not met applicable standards of fulfillment:
 - Property shall be up to date on all inspections and related items on the following safety and habitation standards, including but not limited to:
 - Several items were noted needing repair on the limited inspection report, but more items will/may be required to provide proof of repair for the safe operation of the property. These items may require permitting, pending the scope of the work. **Please submit a comprehensive home inspection and ostensible proof of repairs on items designated by staff. This report must be verifiable to be within 6 months of the date of application.**
- Other or Additional items pertinent to staff decision:
 - No building permits were found on file for work that appears to be completed. See before and after photos of the MLS listing prior to the applicant purchasing the home versus current photos. Structural modifications typically require a building permit as the home is over 120 square feet. See photos at end of comment letter.
 - AirB&B Reviews:
 - Evidence of a pest infestation.
 - Rules that toilet paper cannot be flushed, indicative of sewer/septic issues.
 - Missing railing
 - Room not designed to be a bedroom utilized as a bedroom.
 - Reports of mold
 - Live electrical wires, missing light fixtures.
 - Inadequate housekeeping
 - Carbon dioxide warning on thermostat
 - Inadequate heating
 - Upon contacting the home inspector to discuss the validity of the report, it was determined that the report was not generated May 3, 2024 as presented, but was a home inspection report generated as part of the home's original purchase in 2021.

Staff Comment on Administrative Decision Denial:

- Per Section 27-214(f)(1) it has been determined that this application is incomplete due to missing, inaccurate, conflicting, or otherwise unclear information:
 - Home inspection
 - Insurance

- Checkboxes on application
- Notary on signature page
- Floor plan
- Guest Book
- State Lodging Inspection
- The number of Property Maintenance Complaints: while one (1) violation may not be indicative of the full picture of an applicant's ability to maintain a property, multiple violations for tall grass/weeds indicate trends.
- Applicant's initial Notice of Violation, followed by Citations, and conversations with staff over improper advertising of less than 30 day stays (text in advertising sometimes stated 30-day minimum stays although the reservation portal was not configured to limit stays to a 30-day minimum)
- The number of parking spaces available on site (8) compared to the number of guests proposed combined with the allowed number of persons as guests of those with reservations and staff
 - Staff (Linda): 1 car
 - Cleaning/Maintenance Staff: 1 car
 - Six Guest Rooms: 6 cars
 - Guests of Guests: 6-12 cars
 - **Propensity to have 14-20 vehicles on site between residents, staff, tenants, and their guests appears to be insufficient to the site accommodations for parking.**
- **Additional inspections required:**
 - **Due to the inability to flush the toilet, a septic system and sanitary line inspection must be provided. This septic inspection must include the septic tank size and condition of the lateral fields, and the septic system must be shown to be large enough to accommodate the proposed number of guests (**
 - **As noted, the lodging inspection must be provided**
 - **A pest control inspection showing evidence of no pests (bugs, mice/rodents, or other) along with a professional pest management program.**
 - **Fireplace Inspection of all fireplaces in the home, verifying safe and working condition (flue, flue liner, chimneys, caps, gas lines if any, etc)**
- The neighbor complaint as related through the Commissioner's office.
- As such considerations listed above, the applicant does not meet the standards for approval of an administratively-issued Short Term Rental Special Use Permit. The applicant may continue to rent as a 30-day minimum property so long as their rental license is active and in good standing. Should the applicant wish to pursue further short-term rental licensing, a non-administrative Special Use Permit is required.

Administrative Approval for Short-Term Rental Accommodations - Denied: Subject to the Conditions listed in this memo.

Room Listings:

Cozy & Sweet Modern Private Room#1@KC

[Share](#) [Save](#)



Other things to note

No Smoking Inside, NO PARTIES. A small gathering(**No more than 3**) is ALLOWED.
If you BREAK THE NO PARTY RULE, you will be asked to leave and forfeit your rent.
Please take advantage of the dishwasher before you leave.
30 Day stay require

Warm Modern Farm Private Room#2

[Share](#) [Save](#)



Other things to note

No Smoking Inside, NO PARTIES. A small gathering(**No more than 3**) is ALLOWED.
If you BREAK THE NO PARTY RULE, you will be asked to leave and forfeit your rent.
30 Day stay required
Please take advantage of the dishwasher before you leave.

Warm Private Room#3 @KC

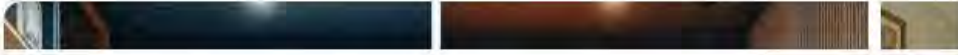
[Share](#) [Save](#)



Other things to note

No Smoking Inside, NO PARTIES. A small gathering(**No more than 3**) is ALLOWED.
If you BREAK THE NO PARTY RULE, you will be asked to leave and forfeit your rent.
30 Day stay required
Please take advantage of the dishwasher before you leave.

Queen Private Room#4 @KC Speedway

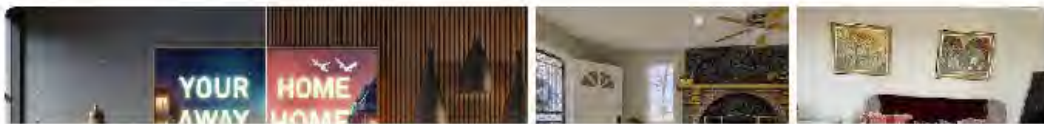


Other things to note

No Smoking Inside, NO PARTIES. A small gathering(**No more than 3**) is ALLOWED.
If you BREAK THE NO PARTY RULE, you will be asked to leave and forfeit your rent.
30 Day stay required
Please take advantage of the dishwasher before you leave.

Cozy&Warm Suite Near KC Legend

[Share](#) [Save](#)



Guest access

Private living room with TV and fireplace

****IMPORTANT:** This unit is a standalone unit with a private entrance, living room, and bathroom. This unit **ONLY** has a fridge, microwave, and coffee machine. NO regular kitchen in the unit.

Other things to note

No Smoking Inside, NO PARTIES. A small gathering(**No more than 5**) is ALLOWED.
30 D stay require.
If you BREAK THE RULE, you will be asked to leave and forfeit your rent.

Spacious&Warm Double Bed Attic Room#6 @KC Speedway



Guest access

Private living room with TV.

Full-bathroom ,Main living room, and Kitchen are shared

Other things to note

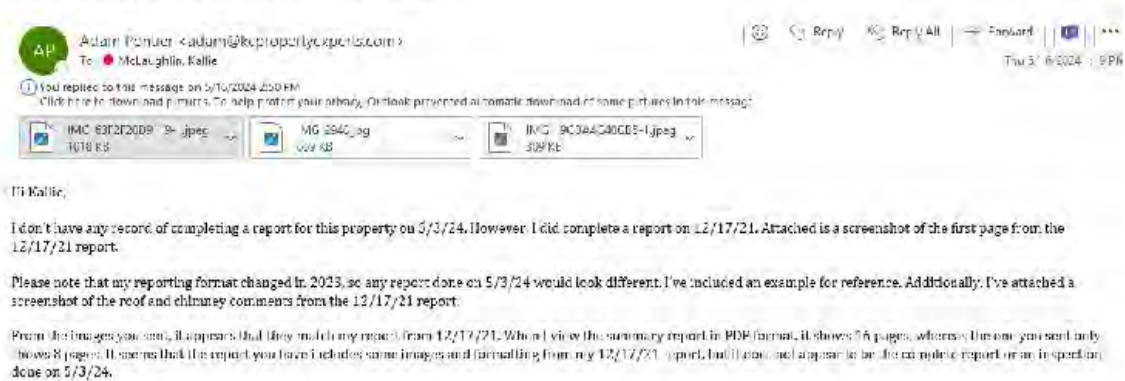
No Smoking Inside, NO PARTIES. A small gathering (No more than 3) is ALLOWED.

If you BREAK THE NO PARTY RULE, you will be asked to leave and forfeit your rent.

30 Day stay require

Please take advantage of the dishwasher before you leave.

Altered Report Email from Home Inspector





SUMMARY

3316 N 131 St, Kansas City, KS 66109

Edward Huang
December 17, 2021

KCPE Inspections
CPI, KS-300128, MO-N7801
KC Property Experts Inspections
(913) 799-3199
adam@kcpropertyexperts.com



This **Summary Report** is meant to organize any **Moderate Defects** and **Significant Defects** into a shorter, straight-to-the-point format. It does not, however, include **Minor/Maintenance** issues or Informational data that can be found in the Full Report.

This is meant to be an Honest, Impartial, Third-Party assessment. Oftentimes, in the mind of a buyer, minor items are given too much weight and significant items are under-appreciated. That being said, I would be more than happy to discuss anything in more detail. Please reach out if you have any questions or need further explanation on anything identified in this report.

1.1.1 General

POSSIBLE MOLD

VARIOUS LOCATIONS

[Click here for a helpful link from the EPA](#)

Potential for damage to property and health/safety hazard.

Recommendation

Contact a qualified professional.

 Significant Concern



Front Basement



Front Basement



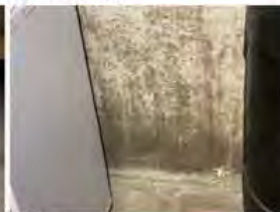
Front Basement



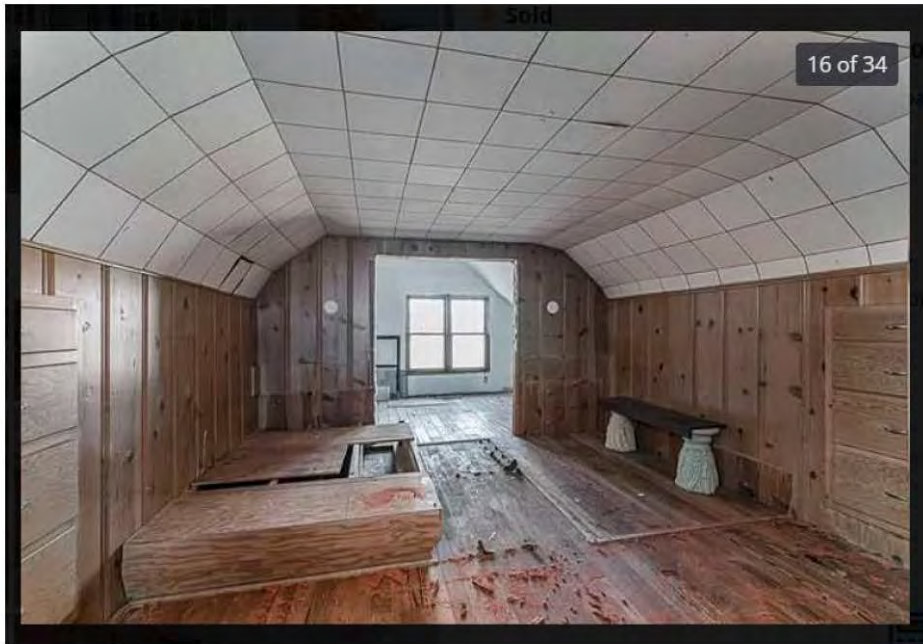
Front Basement



Left Basement



Left Basement



AirB&B Listing Photo (after modifications)





Angela

Bloomfield Hills, Michigan

★★★★ December 2023 · Stayed over a week

The location was perfect for where I was working, Legends Field. The property was wonderful and the host was nice. The only reason I am not providing 5 stars is because I had to vacate the premises abruptly due to rodent issues. I was supposed to be staying for 2 months and left after first month due to rodents in my wall and then room. Edward was accommodating and understood my utter discomfort and supported a refund for remainder of my stay that I had to cancel. Everything else was wonderful!



Response from Edward

January 2024

Hey, Angela. Sorry for the inconvenience, some guests forgot to close the door and left the door open for some time which is why these "unwelcome visitors" got in.



Linn

Great Bend, Kansas

★★★ October 2023 · Stayed a few nights

The area is beautiful, however no railings on steps, very warm in our room with no way to adjust, plus so many rules like don't flush ANY toilet paper down the toilet. PLUS, there were only wine, martini or small tea cups to use. Only one place to plug in charger as all other plugs were filled.



Kait

Washington, District of Columbia

★★☆☆ - February 2024 · Stayed about a week

The hosts are nice people, responsive, communicative, they also had tidied up everyday.

However this place is not as described in the listing and it is not a comfortable place to stay for more than a day. It has the feel of a hostel with people coming and going from their rooms and sharing a common space.

room #1 is described as having its own designated bathroom, which it does not.

The bed is very uncomfortable, there isn't even a bed frame and the headboard isn't attached to the bed. The room was not originally designed to be a bedroom and was freezing cold when I walked inside. the view from the window is of a pile of junk, looks to be remains of a remodel.

the shower leaks, and the paint peeling off the wall everywhere, probably due to the fact that there is no bathroom fan. also a picture on the wall that has mold accumulating inside the frame. There is no soap for the shower.

There is not one single drinking glass or mug in the entire kitchen.



Nick

West Branch, Iowa

★☆☆☆ - July 2023 · Stayed with kids

We walked in and walked right out of this Airbnb. Walked in, and the bed looked like someone had just finished wrestling on it. Wet towels on the bathroom vanity.

The mirror was plastered with toothpaste/water marks. The shower was full of hair, scum and was disgusting. We could go on, but there is no need, Airbnb corrected the situation, and we stayed at a nearby hotel. It was definitely not how we wanted to end our night after a 5+ hour drive with two kiddos.



Darren

Lincoln, Nebraska

★★★ August 2023 · Stayed one night

Edwards residence was very easy to locate and directions on how to get inside were clear. However, there are multiple rooms throughout the residence with numbers and I was not provided with the exact room number I had reserved. Most importantly, there were signs posted in each bathroom saying "Do not flush toilet paper." Please discard toilet paper and all feminine hygiene products/wipes into the trash"

If there is a plumbing issue, that should have been communicated to the guests and it would not have been much of an issue. If the plumbing is that fragile that simple toilet paper cannot be flushed, then this should be mentioned in the listing prior to reservation.

The trash can in the upstairs bathroom was an uncovered container. If this is what is required for the guests, then at least get a container with a lid that opens/closes. This is unsanitary.

Outside of the plumbing issues, the residence was quiet, comfy and everything was functional and as described.



Jessica

Hampstead, North Carolina

★★★★★ January 2024 · Stayed a few nights

If you're looking for something simple small and efficient this hostel style stay is perfect. The kitchens and bathrooms are shared while you have your own personal sleeping space. We visited for a hunting trip and didn't need much so it worked out well. There was a slight smell to the room we stayed in. The rooms were set up a little strange. There was a coded lock to the upstairs where we stayed and a locked door to the actual room, but the twin bed was completely disconnected and right by a different room for a different person. Just slightly awkward. You cannot flush toilet paper and have to trash it, which again was a bit odd, I think that should be in the listing.

Over all our stay with Edward was fantastic and he was EXTREMELY accommodating. He's a very gracious and responsive host and I would absolutely stay again if we have another trip to the area.



Loann

2 years on Airbnb

★☆☆☆☆ - August 2023 · Stayed with kids

Extremely disappointed. Very noticeable smell, stain, dirty kitchen, bathroom very dirty, no soap, checked in 4 people and host gave 2 towels. I only stayed in one day.



Kenny

1 year on Airbnb

★★☆☆☆ - April 2024 · Stayed over a week

Mold, musty, and zero care from landlord or air bnb. Probably the last time I use this platform. Save your money and go furnish finder or other. Moldy food in cabinets, fridge, in bathroom, bedroom windows. I highly suggest not using his coffee maker. First thing I noticed going in was the nest/thermostat stated high levels of carbon dioxide, so no ventilation and assuming to many people there, and organic matter. Had to open the windows and door immediate to remedy that, he and air bnbs fix for mold was to add air fresheners to the home. 10/10 will say it could probably of been worse, but this is your basic slum lord. Tenants next to me had to burn fire wood in the fire place to stay warm... no where near worth the cost. Tenants coming in late was common as well. If your an RN and female your probably going to be very uncomfortable. I made due being a construction worker and just sat it out so I did not loose all my funds on the deal...



Earl

Frederick, Maryland

★★★★☆ - December 2023 · Stayed over a week

Overall, I enjoyed my stay however I checked out a week early because of an emergency and didn't get any refund. Even though I had insurance (it's a joke, don't get it) I Nebraska heard back from host or insurance. Several of the guess complained about mice in their rooms, I did not encounter any. The kitchen was left a mess with pots and dishes in the sink several mornings from the night before. The guess are responsible for cleaning up after using the kitchen area. Overall the place is acceptable for a short stay.



Response from Edward

January 2024

Sorry, Earl. The refund can't not be issued if you don't cancel the reservation in the first place. I've informed you that you need to cancel it first. I wish I could help but the system is not going to let me overwrite the process. I hope your...

[Show more](#)

Email from Commissioner Kane's office from neighboring property.

-----Original Message-----

From: Steve Wolf <wolfnoe@ymail.com>

Sent: Thursday, May 2, 2024 2:24 PM

To: Kane, Mike <mkane@wycokck.org>

Subject: Air bnb

Mr Kane. My name is Steve Wolf. I live at 3414 n 131st street. Across the street from an air bnb at 3316 n 131st street. This air bnb has been a nuisance since it started. Cars everywhere and there is so much trash on trash day and if the wind blows I end up picking up their trash out of my yard. On numerous occasions the herd of goats are let out to roam and they roam into the street and I have seen them roaming in the Piper Creek addition.
Sent from my iPhone



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
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To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 29, 2024

Re: Special Use Permit Petition SP2024-044

GENERAL INFORMATION

Applicant Information:

Tom Proebstle
Skyline Property Development
1615 Baltimore Avenue
Kansas City, Kansas 64108

Subject Property:

10 South Hallock Street
Kansas City, Kansas 66101

Requested Action and Purpose:

Renewal of a Special Use Permit
(expired May 4, 2024) to operate a
short-term rental.

Commission Districts:

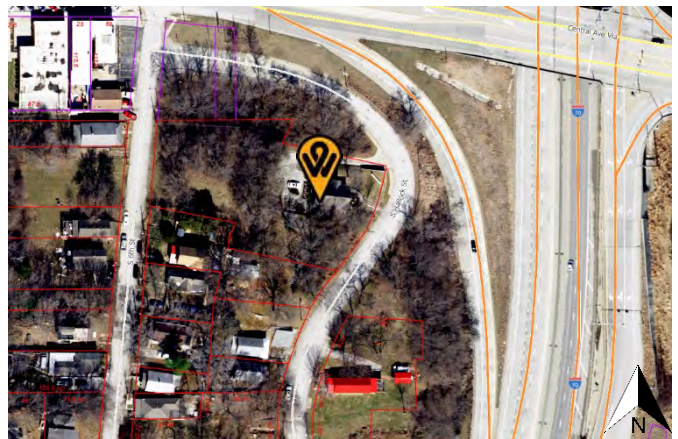
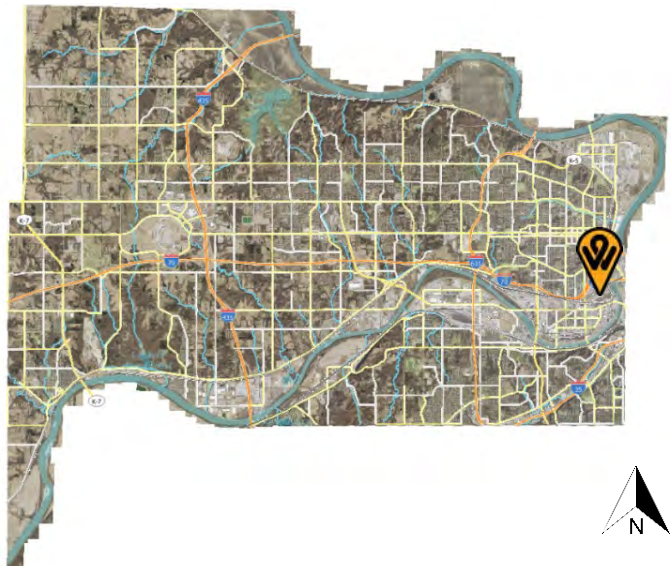
Commissioner At-Large District #2:
Tom Burroughs
District #2 Commissioner:
William Burns Jr.

Existing Zoning District(s):

CP-0 Planned Non-Retail Business
District
R-1(B) Single Family District

Plan Area

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Vacant Lot
South	R-1(B) Single Family District	Single-family Residence
East	None (Right-of-Way)	Interstate 70
West	R-1(B) Single Family District	Single-family Residence

Total Tract Size: 0.82 Acre

Comprehensive Plan Area: Central Area Plan

Comprehensive Plan Designation: The Central Area Plan designates the subject property as Urban Density, which allows for a mix of detached and attached residential homes.

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

Parking Requirement: Section 27-455 (d) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling”. The subject property provides seven (7) off-street parking spaces.

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”.

Advertisement: The Wyandotte Echo – July 18, 2024
Letters to Property Owners – July 19, 2024

Public Hearings: August 12, 2024 and August 29, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tom Proebstle, is requesting a renewal of a Special Use Permit (expired May 4, 2024) to operate a short-term rental at 10 South Hallock Street, Kansas City, Kansas 66101. This is not the owner’s primary

residence. This would be the only permitted short-term rental on the 100 block of South Hallock Street. Previously, the site has been approved for a future high-rise apartment development with a Change of Zone to RP-6 Planned High-rise Apartment District.

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. 2020: 2020-00017867 – Suspicious Vehicle
2. 2019: 2019-00091446 – Suspicious Activity
3. 2019: 2019-00082240 – Suspicious Activity
4. 2019: 2019-00084122 – Suspicious Activity
5. 2019: 2019-00059130 – Abandoned Vehicle

Building, Zoning, or Code Enforcement Complaints:

1. 2022: ZONE2022-024 – Operating a Short-Term Rental and Event Space without an Approved Special Use Permit

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2023: SP2023-004 – Special Use Permit to operate a short-term rental.
2. 2022: SP2022-059 – Special Use Permit to operate a short-term rental and event center.
3. 2021: COZ2021-051 – Change of Zone from R-1(B) and C-0 to RP-6 for an apartment building.
4. 2021: MPL2021-028 – Master Plan Amendment from Urban Density to High Density Residential for an apartment building.
5. 2021: VAC2021-001 – Vacation of Right of Way for new apartment building.
6. 2022: BOZA2022-016 – Variance for parking space requirements.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood, the St. Joseph Watchdogs Neighborhood Group, and the CABA Neighborhood Business Group. The neighborhood consists of homes on narrow lots and urban in character. There are mixed residential and commercial uses in the

neighborhood. The subject property is a mixed-use structure, it retains its previous appearance as a large single-family residence.

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 primarily the R-1(B) Single Family District, the property is close to a C-3 Commercial District corridor. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties or in close proximity such as a coffee shop, upholstery store, law firm, and drinking establishment. 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 has been used as a short-term rental and event space since 2022.

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

Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates the subject property as Urban Density, which allows for a mix of detached and attached residential homes. The proposed use conforms to the Central Area Plan designation.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of South Hallock Street, a Local/Neighborhood 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 it is 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 but has not maintained the previous conditions of approval. The applicant has not upkept an annual Business License/Occupation Tax Receipt for the property.

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 in-person at 534 Central Avenue (Chicago's) on July 29, 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

Operating without a current Business License/Occupation Tax Receipt

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-044, **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 the Business Licensing Division. Their located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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 **SP2024-044** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024 Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Site Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated July 12, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	August 12, 2024 Approval	August 29, 2024

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-044** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-044**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 12, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-044 – TOM PROEBSTLE WITH SKYLINE PROPERTY DEVELOPMENT, LLC – SYNOPSIS: Renewal of a Special Use Permit (SP2023-004, expired 5/4/2024) for a Short-Term Rental at 10 South Hallock Street. Detailed Outline of Requested Action: The applicant, Tom Proebstle, is requesting a renewal of a Special Use Permit (expired May 4, 2024) to operate a short-term rental at 10 South Hallock Street, Kansas City, Kansas 66101. This is not the owner's primary residence. This would be the only permitted short-term rental on the 100 block of South Hallock Street. Previously, the site has been approved for a future high-rise apartment development with a Change of Zone to RP-6 Planned High-Rise Apartment District.

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 August 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The 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 Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Armstrong	Aye
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Schwartz	Aye
Straws	Not Present
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;**
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- 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;

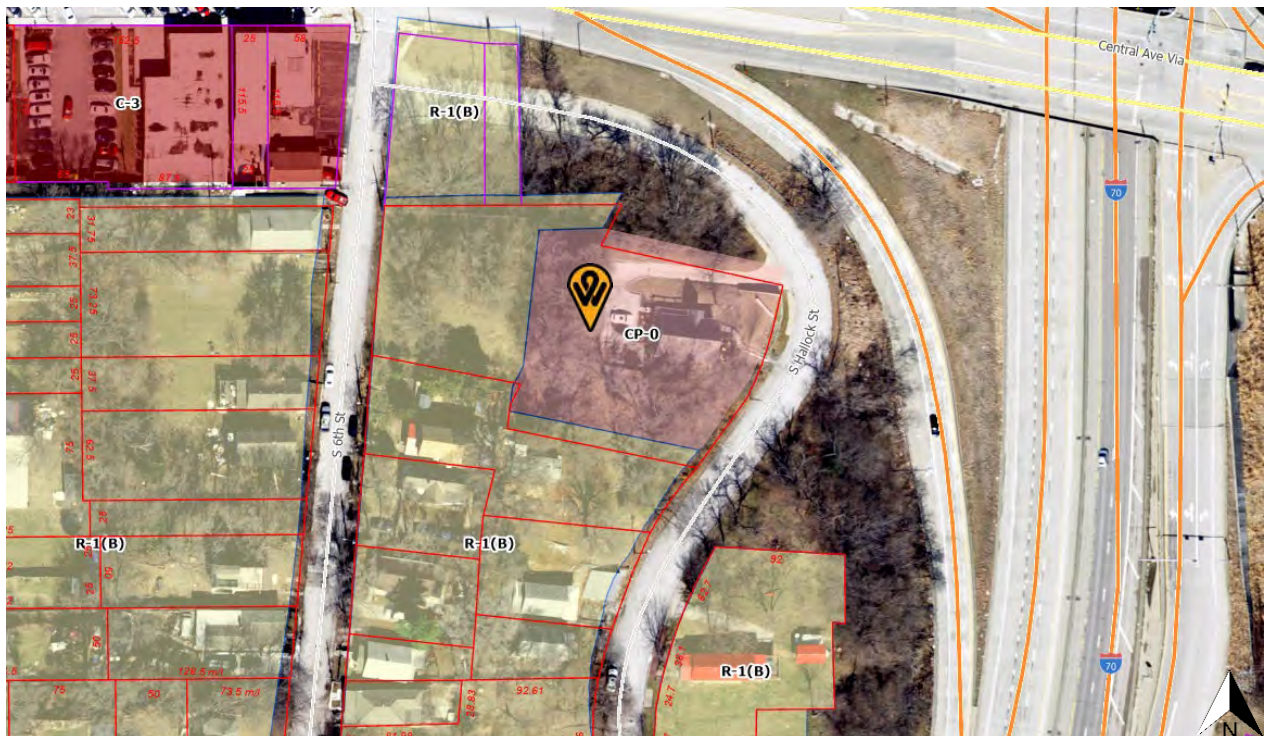
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16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject 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

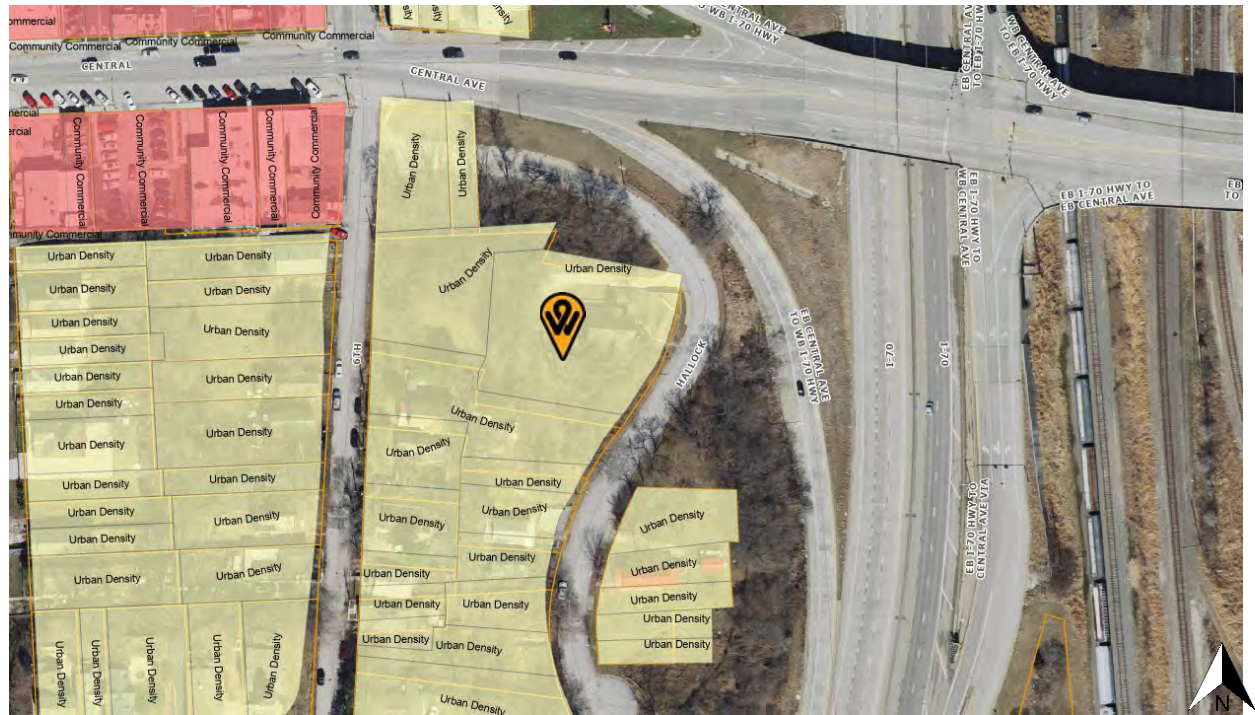
AERIAL IMAGERY



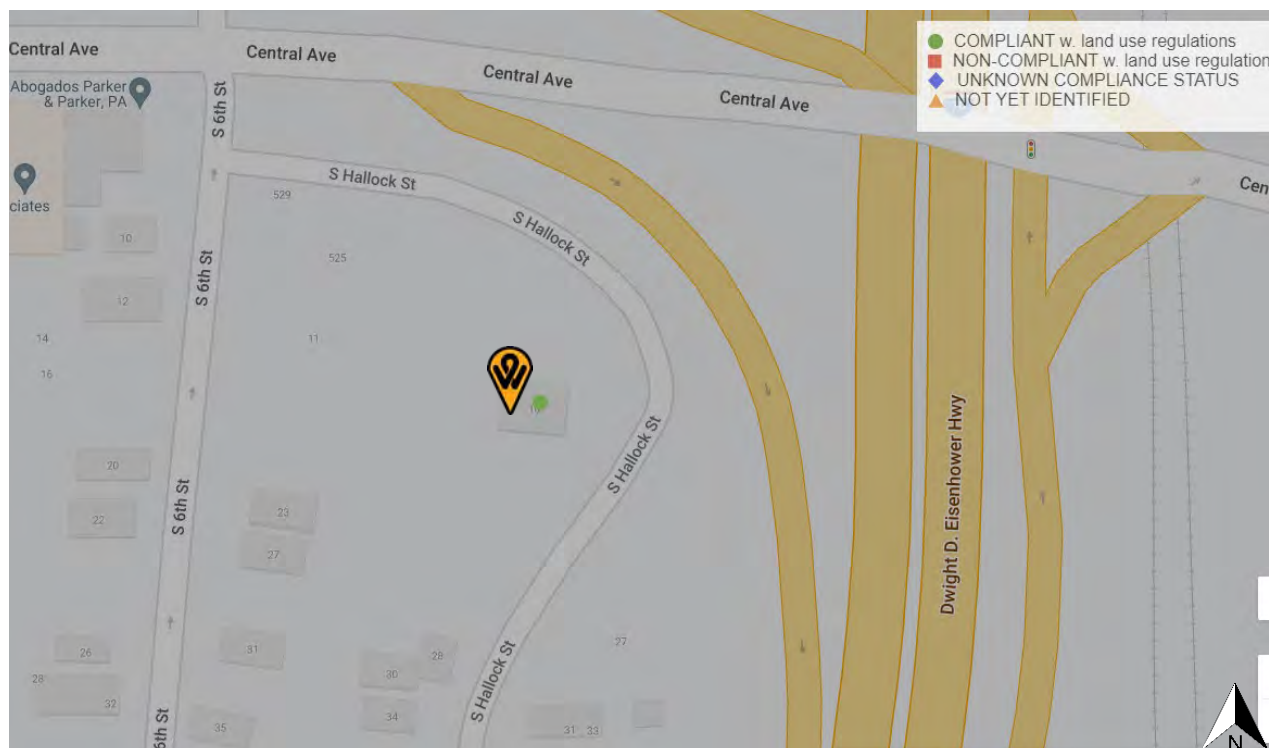
ZONING MAP



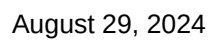
LAND USE MAP



SHORT-TERM RENTAL MAP



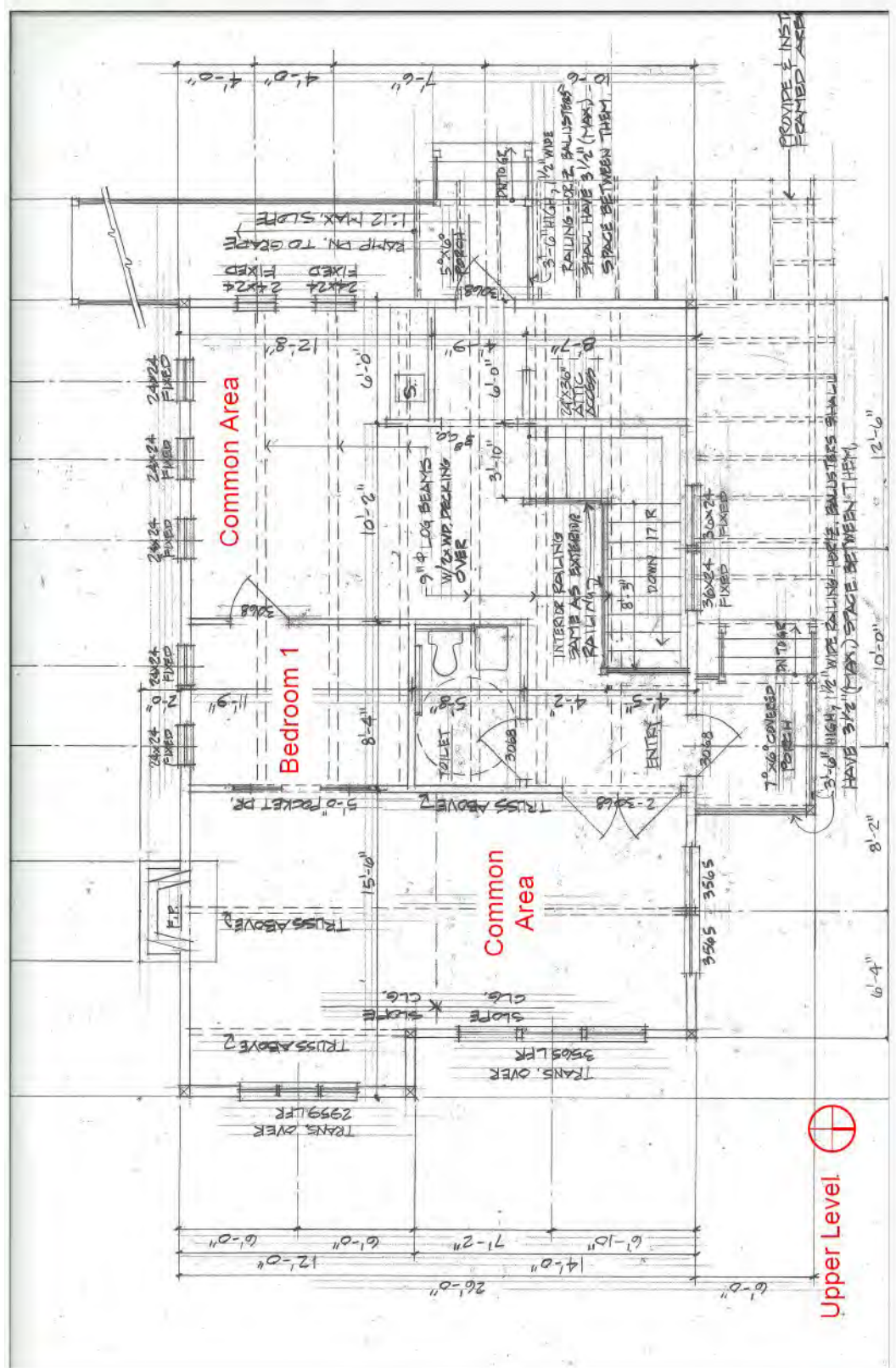
SP2024-044



SP2024-044

August 29, 2024

16





NEIGHBORHOOD MEETING MATERIALS

NEIGHBORHOOD MEETING MINUTES:

Application Number: SP2024-044

Date and Location: 7/29/2024 at Chicago's, 534 Central Ave. Kansas City, KS 66101

Meeting called to order at: 4:35 p.m.

Names of people in attendance: Steve Simpson and Tom Proebstle, Jen Gulvik (wife of Tom Proebstle); G. Dale Mathey, Pat Lawson, and Lester Larusu

Introductions: Steve Simpson and Tom Proebstle gave introductions of themselves and Tom's wife, Jen Gulvik. Steve explained the neighborhood meeting was to seek feedback and answer any questions related to the permit renewal for the short-term rental (also referred to as Airbnb) at 10 S. Hallock St.

Questions and answers: The meeting transcript with all Q and A is as follows:

Tom Proebstle:

I need to officially announce the start of the meeting. So, my name is Tom Proebstle. Some of you might be aware, myself and Steve Simpson, and this is my wife Jen, we're the building owners and landowners across the street and we are seeking a renewal of our Airbnb. Our short-term rental license.

And for approval of our license, we are required to go through this process. This is for 10 South Hallock across the street here. It is currently a two-bedroom Airbnb.

With a kitchenette, an entertainment room...

Steve Simpson:

Our listing is a two bedroom, one and a half bath.

Tom Proebstle:

For parking we're allowed to have up to three parking spaces used - though the parking area has seven or eight parking spaces, we are allowed three and then we can sleep up to six people (two bedrooms, three beds).

That's the sort of technical part of it. Beyond that, you know, we're here to listen, get your feedback, answer questions you may have.

Pat Lawson:

We went through this process a year ago, you presented the information that we just heard, and the permit was approved and you're asking for basically a duplication of the same thing that we had last time.

Steve Simpson:

Yes, it's the same process.

G. Dale Mathey:

They didn't revoke your license or anything.

Tom Proebstle:

No, but we have to go through the renewal process. It will be for 12 months.

Pat Lawson:

Have there been any complaints?

Tom Proebstle:

No, not for the Airbnb. There's a draft report that was done and there were a couple of complaints by someone back in 2021 before we converted to Airbnb and when it was being leased to someone else. When these were brought up in the city hearing with commissioners it was the first we had even heard of it - neighbors did not express to us. I don't know who the complaints went to. But nonetheless, they were on the record. All that said, it wasn't an Airbnb then.

Jen Gulvik:

Back to the Airbnb at hand, it is typically rented by families. It's usually two, three adults with their kids; couples. Our rating is 4.93 on Airbnb and Airbnb has awarded our listing as a guest favorite. We don't allow parties, we have pretty strict rules there, so we don't see any complaints. Our guests really love the neighborhood and take great care of the property.

Pat Lawson:

I haven't had any complaints about the Airbnb. And I think everyone, well no one has asked for it not to continue. But the only thing is, a few people wanted to say that they prefer the Airbnb to stay there in that structure - continue an Airbnb and not change to the bigger high rise, the 505 project.

And especially Jerri, she wanted to give this letter. That's what she writes but in a stronger way, which may be not surprising because it's the same arguments that mostly I agree, but there are things in the letter that I don't quite agree with.

Tom Proebstle:

So, I think what we'll do is, we'll note on the transcript that we've received an email – well that you received an email from Jerri that you've given to us, and we will submit that as part of our meeting notes. Can we have that?

Pat Lawson:

Yes (hands letter to Tom).

Also, I heard from Rose Eilts, and she agreed with Jerri and another watchdog member Steve Cero also wrote me and said that he agreed; we agree the Airbnb should stay. We prefer it stay as an Airbnb.

Lester Larusu (unsure of last name spelling):

How many nights a month do you have it rented?

Tom Proebstle:

On average 15. Most weekends are full, and a lot of weekdays aren't; winter's volume is lower as you can imagine, so it actually ends up being like 30, 33%. During the summer it's more like 50% and during the winter it drops much lower, so I think we average 30 or 33% occupancy overall.

Lester Larusu:

What's going on with the 505 central building? I know that we're not here to talk about that.

Tom Proebstle:

It's still an active project. But right this meeting is because we have a renewal notice on the Airbnb.

G. Dale Mathey:

Did the license get revoked?

Tom Proebstle:

No, the permit needs to be renewed.

G. Dale Mathey:

Some other Airbnb's we haven't had meetings about, I think they go for two years before renewal.

Tom Proebstle:

It might be a case-by-case basis. We'd love to get two years, but this is for one year.

Do you all live in the neighborhood?

Pat Lawson:

We are on Russian Hill, but we live in Palestine which is further south. And so, we're not immediately affected but we still are opposed to the project there.

G. Dale Mathey:

My name is Dale, I think it's way out of scale but I have a different viewpoint.

Pat Lawson: There's strong opposition

G. Dale Mathey:

But you're saying opposition to the 505 building, the big building? I didn't hear what you said.

Pat Lawson:

Yes, the other, high-rise proposal.

G. Dale Mathey:

Okay. I didn't hear what you said. I was sort of neutral regarding that project.

Lester Larusu:

I thought that this meeting was going to be about the 505 project.

Tom Proebstle:

No, this is only about a renewal of our Airbnb for 12 months at 10 S. Hallock.

So, there is no opposition to the Airbnb renewal, I'm hearing?

Pat Lawson:

No, no opposition to the renewal of that. Just that we prefer it remain an Airbnb for a long time and not be the big project.

Lester Larusu:

Does this just mean that you can stay an Airbnb for a year? Does it also mean you have to stay an Airbnb, or can you decide not to?

Tom Proebstle:

Yes, we can choose not to (operate).

[No other questions.]

Are there any other questions we can answer?

[None – head shakes for 'no'].

Thank you all for coming; we will get this logged in and sent along. Meeting adjourned.

Meeting adjourned at: approximately 5:05 p.m.

Minutes taken by: Jen Gulvik

Free Sign In Form

by Timesheets MTS Software

<http://www.timeclockmt.com>

Sign In Form

Free Generic Sign In Form by Timesheets MTS Software

	Name (Printed)	Address	Date:	Phone Number	Email
1	 G. D. McManis	109 S. Tremont St.			
2	Pat Lawton	207 S. Tremont St.			
3	John Lawton	207 S. Tremont St.			
4					
5					
6					
7					
8					
9					
10					
11	meeting conducted by:				
12	Steve Simpson	606 W. Meyer Bl. KC MO 64113			
13	Tom Froetsche	5607 Oak St KC MO 64113			
14	Jen Gulvick	5607 Oak St KC MO 64113			
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					

NEIGHBORHOOD MEETING MATERIALS



Patricia Lawson <lawsonatlake@gmail.com>

10 S Hallock St, KCKS 66101

4 messages

Jerri Moulder <jerimoulder@gmail.com>

To: Patricia Lawson <lawsonatlake@gmail.com>

Cc: Steven Kucharo <smkucharo@me.com>

<susansajwal@gmail.com>, Frank & Sheryl Hayes <fhayes54@gmail.com>, "G. Mathey" <g.dalernathey@gmail.com>, Rose

Elits <rosekoco@gmail.com>, Karin and Brad Huhmann <brad.huhmann@gmail.com>

Sun, Jul 21, 2024 at 5:26 PM

Dear Patricia and Neighbors,

Buck and I have temporarily moved for at least 2 or 3 yrs. We have every intention of moving back into our property. A long term tenant has been signed for our property, a lovely single lady and her 3 legged cat. Unfortunately, we are not available on the 29th of July.

We would rather see the 10 S Hallock St property stay as a short term rental, below is our reasoning.

As you know, it was scheduled to be removed to make room for a luxury highrise apartment with 139 units known as 505 Central. It is our sincere hope this project has been found unprofitable and the developers have moved on to a more suitable place to make their big money. This proposed highrise building is out of character for the neighborhood and received tax incentives that do nothing to support our community for the next 20 years. It would also increase traffic flow at 6th and Central causing the corner of 6th and Central to be even more dangerous. Therefore, we support 10 S Hallock St as a short term rental to placate the owners/developers, Tom Proebstle and Steve Simpson.

We request that you share this email at the meeting.

Sincerely,

Jerri Moulder and Buck Hessel

NEIGHBORHOOD MEETING MATERIALS

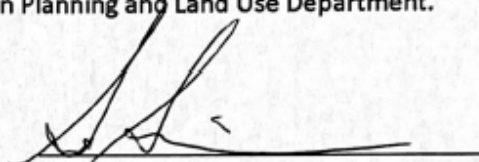
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition # SP2024-044.
2. That I conducted a neighborhood meeting on 7/29/2024.
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.

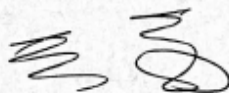
Further affiant saith not.



Affiant

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

My commission expires 41 of July, 2024.



Notary Public

ERIC CORP
Notary Public-Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires 7-11-2027
Commission #13388899

SITE PHOTOS, TAKEN BY STAFF – DATED JULY 12, 2024



SITE PHOTOS, TAKEN BY STAFF – DATED JULY 12, 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: August 29, 2024

Re: Special Use Permit Petition SP2024-045

GENERAL INFORMATION

Applicant Information:

Tristan Perkins
Owner
8315 Carter Creek Drive, Unit #201
Charlotte, NC, 28227

Subject Property:

1945 West Lawrence Court
Kansas City, KS 66103

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires September 7, 2024) to
operate a short-term rental.

Commission Districts:

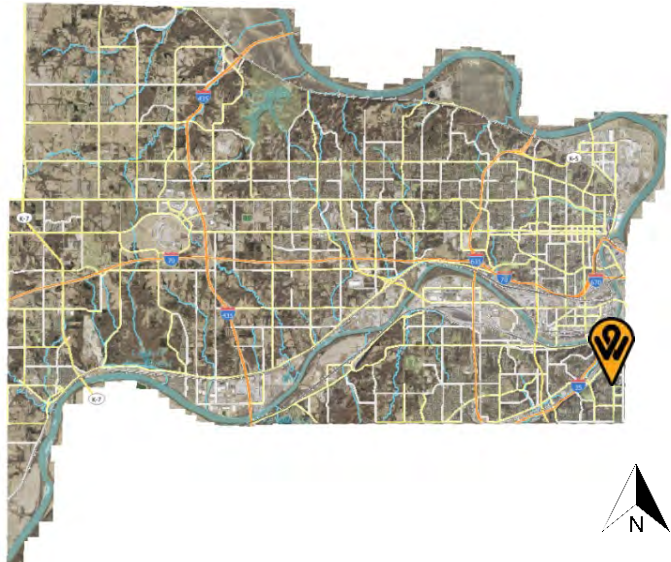
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

RP-5 Planned Apartment District

Plan Area

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	RP-5 Planned Apartment District	Townhomes
South	RP-5 Planned Apartment District	Townhomes
East	R-2(B) Two Family District	Townhomes
West	RP-5 Planned Apartment District	Townhomes

Total Tract Size: 0.18 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 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 Lawrence Court as a Local/Neighborhood Street.

Parking Requirement: Section 27-460(d) states “One and one-half (1 ½) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more”. The subject property provides two (2) parking spaces.

Landscaping Requirement: Section 27-700 (b)(1) states “All multifamily residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement”. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – July 18, 2024
Letters to Property Owners – July 19, 2024

Public Hearings: August 12, 2024 and August 29, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tristan Perkins, is requesting a renewal of a Special Use Permit (expires September 7, 2024) to operate a short-term rental at 1945 West Lawrence Court, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the only permitted short-term rental on the 1900 block of West Lawrence Court.

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 since operating as a short-term rental in 2023.

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permit and Cases:

1. 2023 – PLM23-0558 – Plumbing Permit – Installation of a new water heater.

Previous Planning Actions:

1. 2023 – SP2023-032 – Special Use Permit – To operate a short-term rental.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood and the Rosedale Development Association. The neighborhood consists primarily of attached townhomes with single-family residences mixed throughout. The property is located within blocks of the University of Kansas Medical Center as well as the West 39th Street district in Kansas City, Missouri.

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 primarily by the RP-5 Planned Apartment 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 a variety of mixed-uses such as commercial and industrial. 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 has been used as a rental property since its construction.

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 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.

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 Lawrence Court, a Local/Neighborhood 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 it is 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 not maintained the proposed use as originally proposed or according to previous conditions of approval as the property is permitted to have a maximum of two (2) vehicles on the property at a time and the applicant advertises a maximum of three (3) vehicles.

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 six (6). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on July 29, 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
Proof of Repair from the Home Inspection Report
Operating without a Business License/Occupational Tax Receipt

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-045, **for two (2) years**, subject to:

- 1. Maximum number of guests shall be six (6);**
- 2. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
- 3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
- 5. Applicant is to maintain liability insurance;**

6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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 **SP2024-045** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 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 July 12, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	August 12, 2024 Approval	August 29, 2024

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-045** 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 **SP2024-045**, 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.

August 12, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-045 – TRISTIN PERKINS –

SYNOPSIS: Renewal of a Special Use Permit (SP-2023-032 – expires 9/7/2024) for a Short-Term Rental at 1945 West Lawrence Court. Detailed Outline of Requested Action: The applicant, Tristan Perkins, is requesting a renewal of a Special Use Permit (expires September 7, 2024) to operate a short-term rental at 1945 West Lawrence Court, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the only permitted short-term rental on the 1900 block of West Lawrence Court.

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 August 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The 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 Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. **Maximum number of guests shall be six (6);**

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

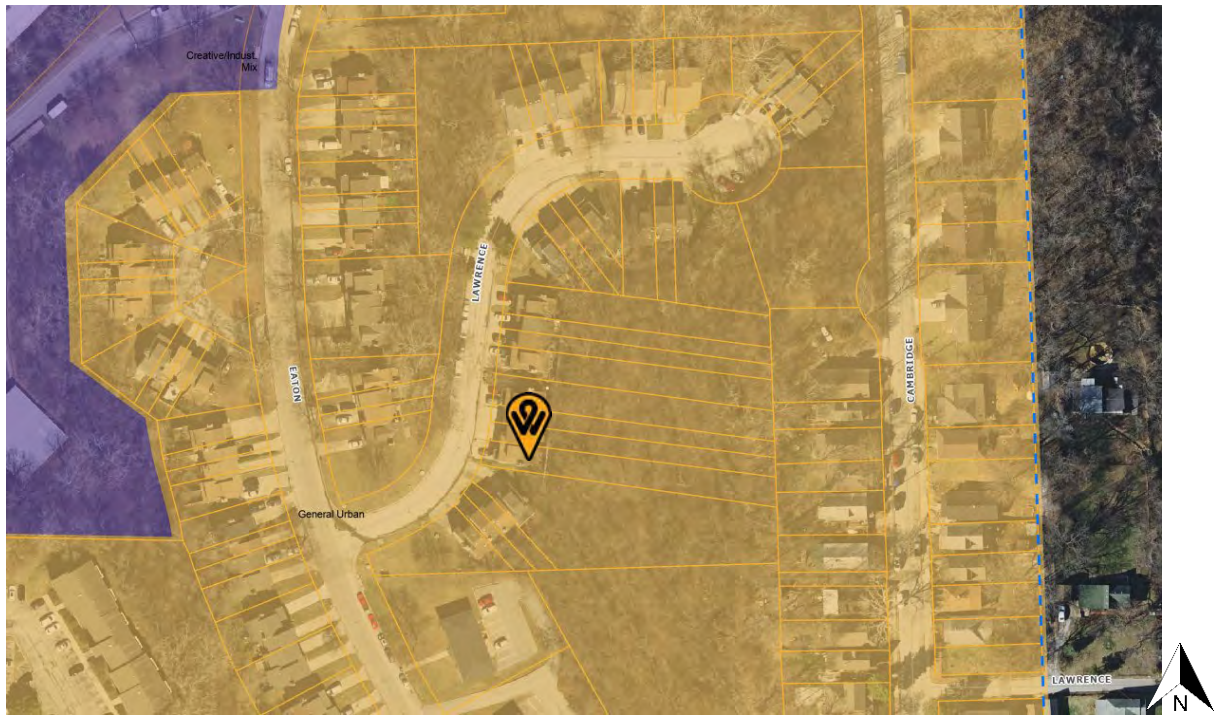
AERIAL IMAGERY



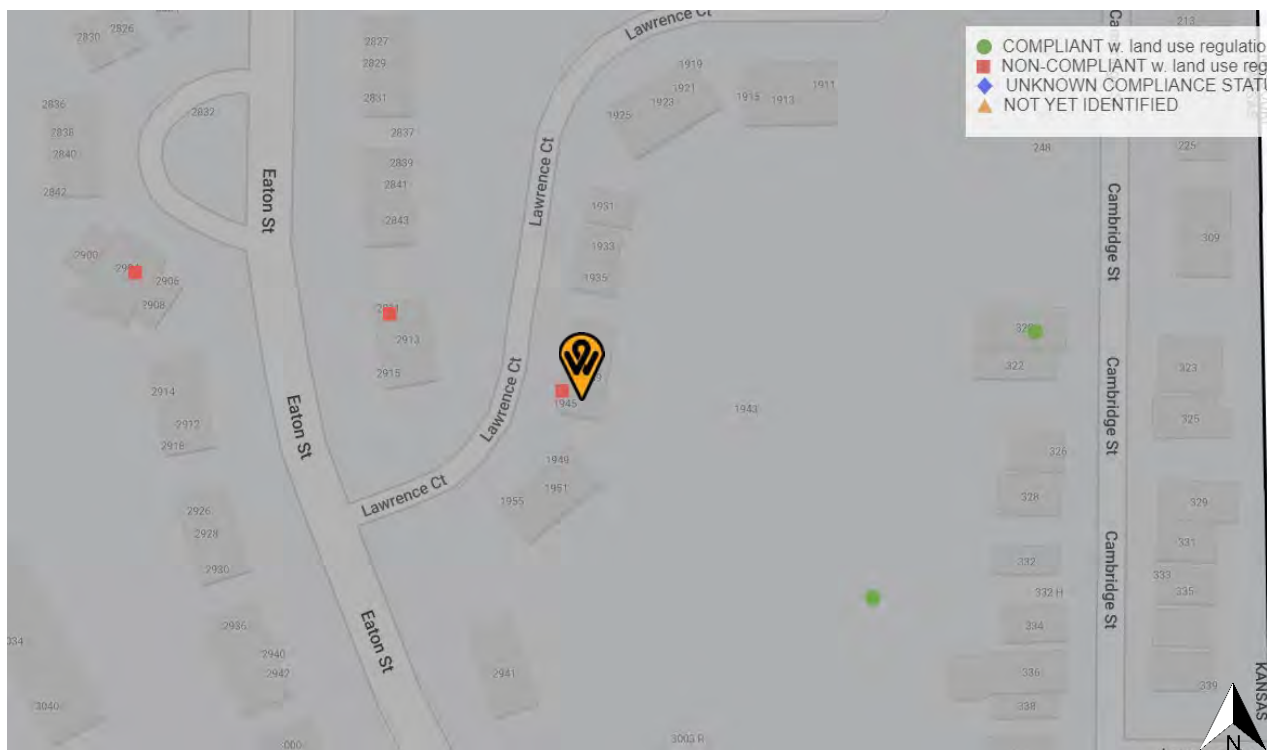
ZONING MAP



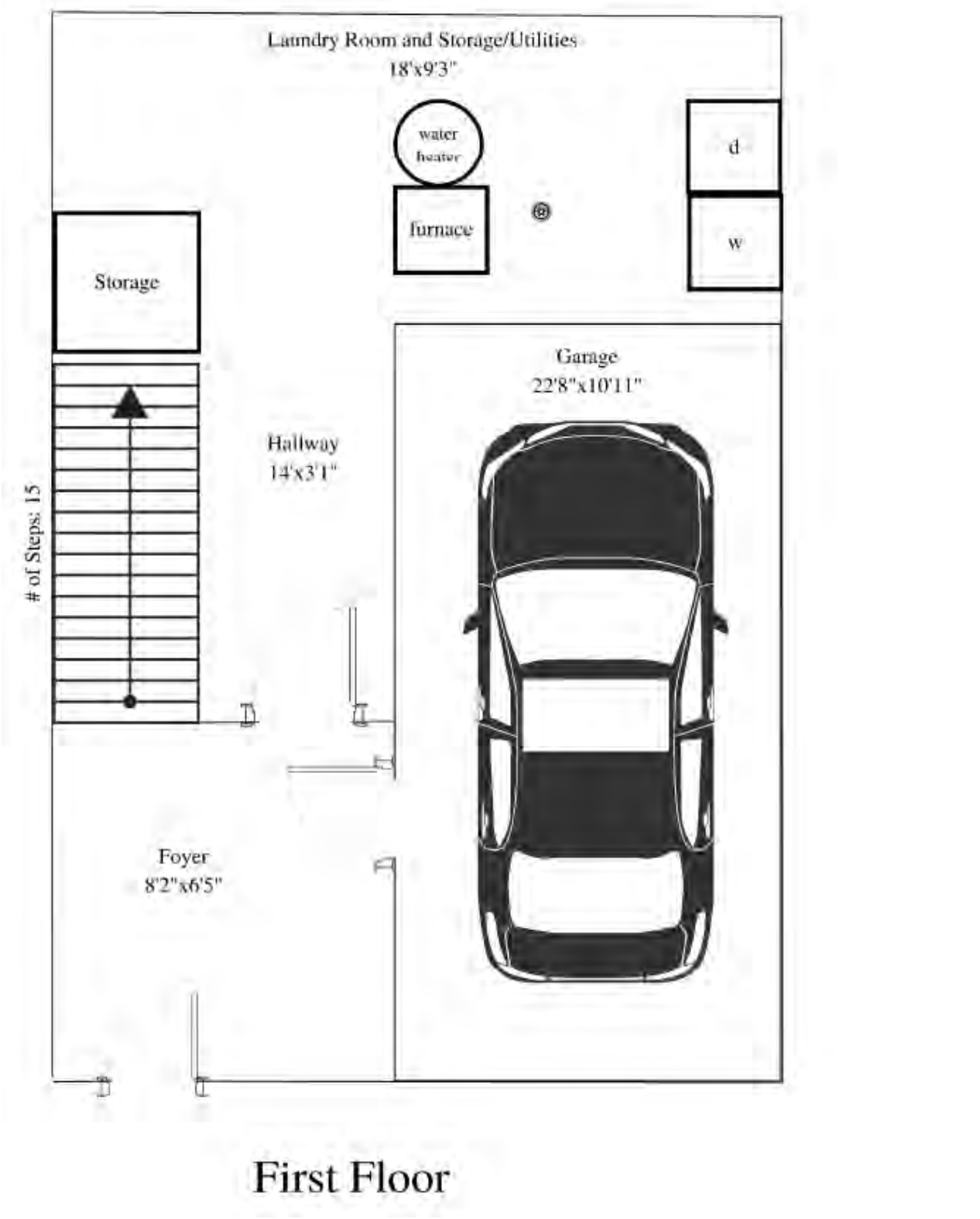
LAND USE MAP



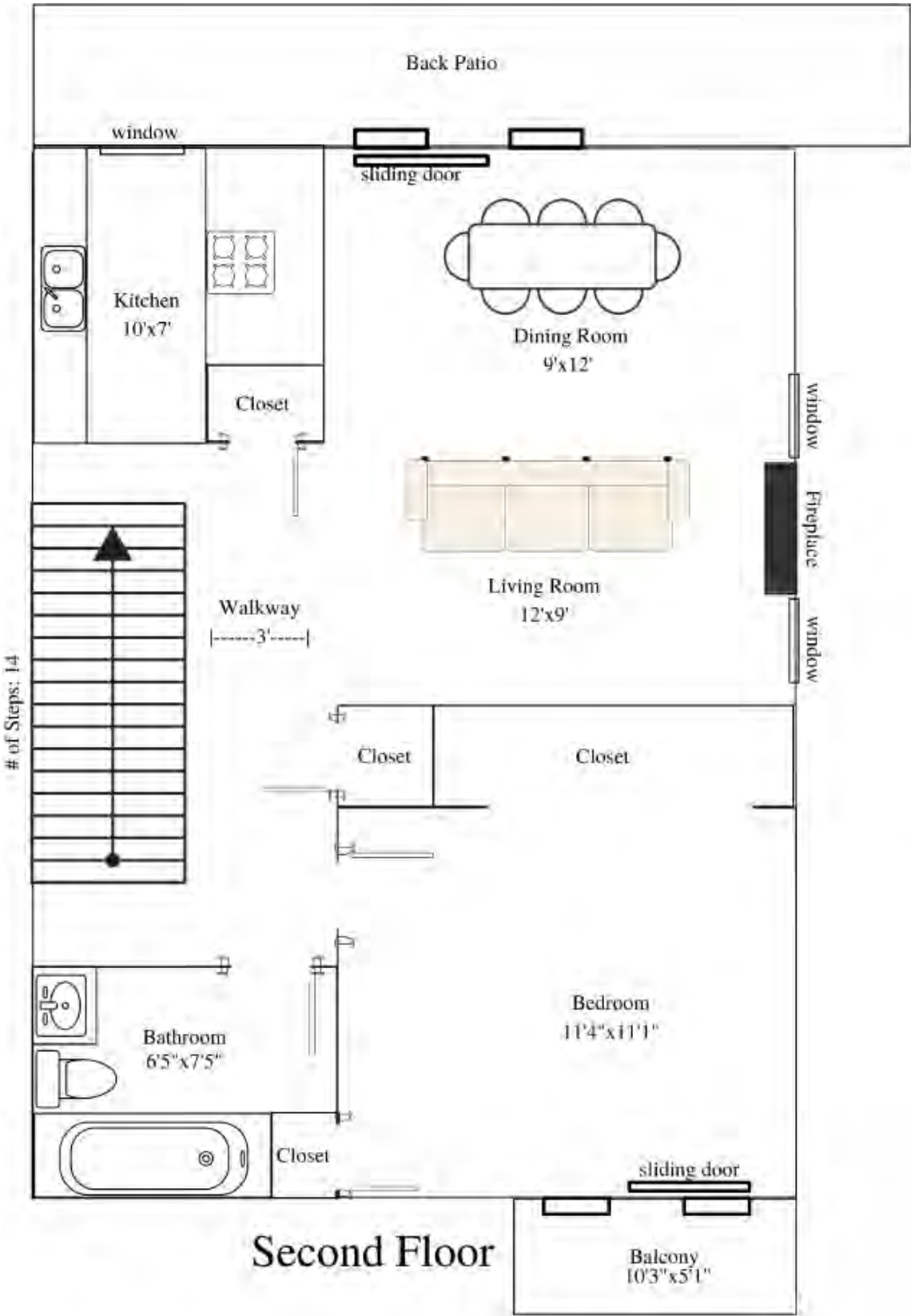
SHORT-TERM RENTAL MAP



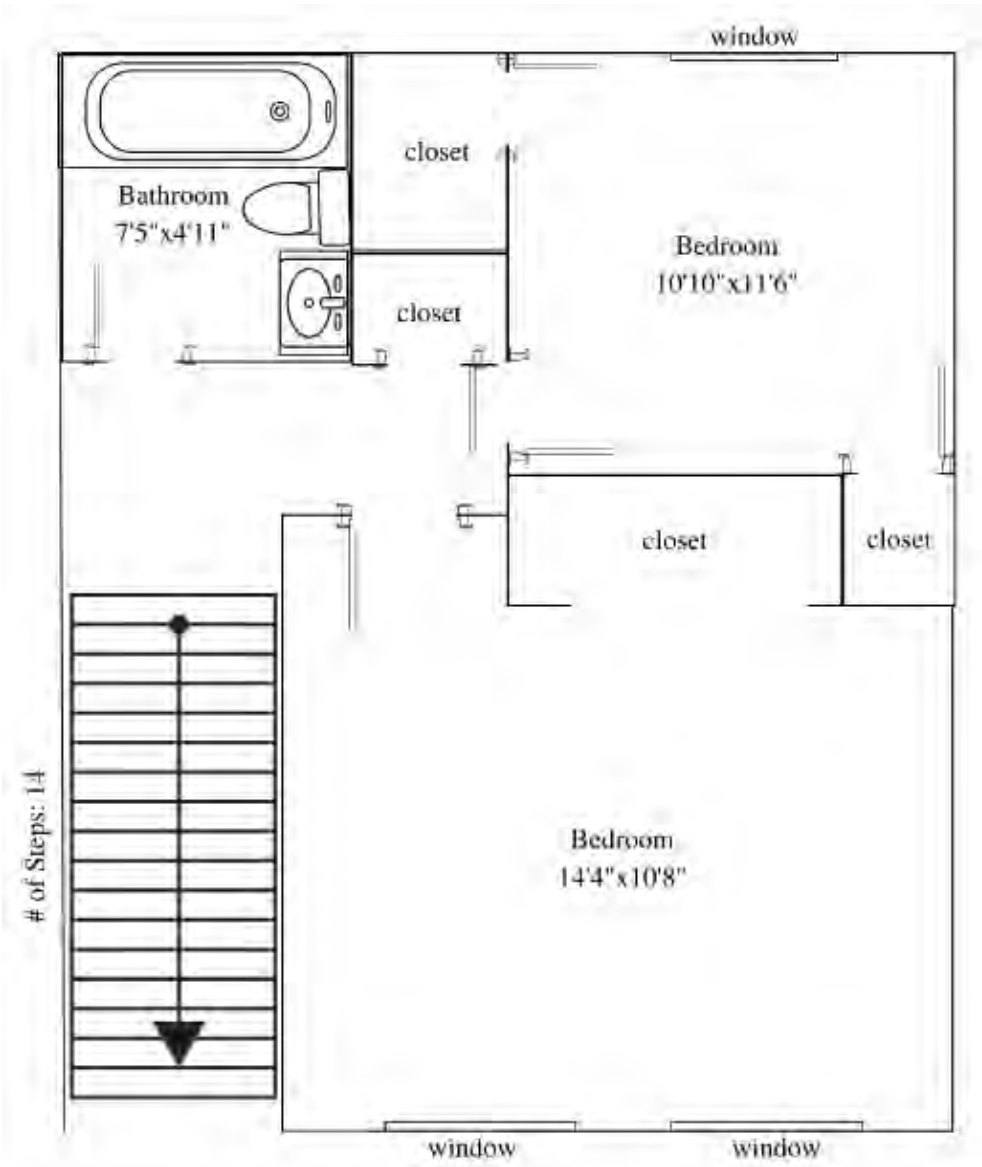
FLOOR PLAN



FLOOR PLAN



FLOOR PLAN



Third Floor

NEIGHBORHOOD MEETING MATERIALS

Application: 2024-045

Neighborhood Meeting Minutes

Date: July 29, 2024 at 5 pm -5:30 pm CT

Attendees:

Tristan Perkins (Applicant)

Notes:

No one attended the zoom meeting, and no emails or phone calls were received regarding questions or concerns on the petition.

NEIGHBORHOOD MEETING MATERIALS

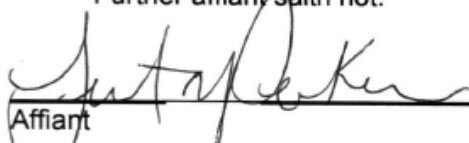
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # 2024-045
2. That I conducted a neighborhood meeting on July 29th, 2024
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of July, ~~200~~ 2024

My commission expires 20 of June, ~~200~~ 2029


Notary Public

BELLA GERALD
NOTARY PUBLIC
Mecklenburg County, North Carolina
My Commission Expires June 20, 2029

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JULY 12, 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: August 29, 2024

Re: Special Use Permit Petition SP2024-046

GENERAL INFORMATION

Applicant Information:

Michael Simmons
Representative
The Shop Cigar Lounge
3236 North 123rd Terrace
Kansas City, KS 66109

Subject Property:

407 North 6th Street
Kansas City, KS 66101

Requested Action and Purpose:

Approval of a Special Use Permit to
operate a cigar lounge and drinking
establishment with live entertainment.

Commission Districts:

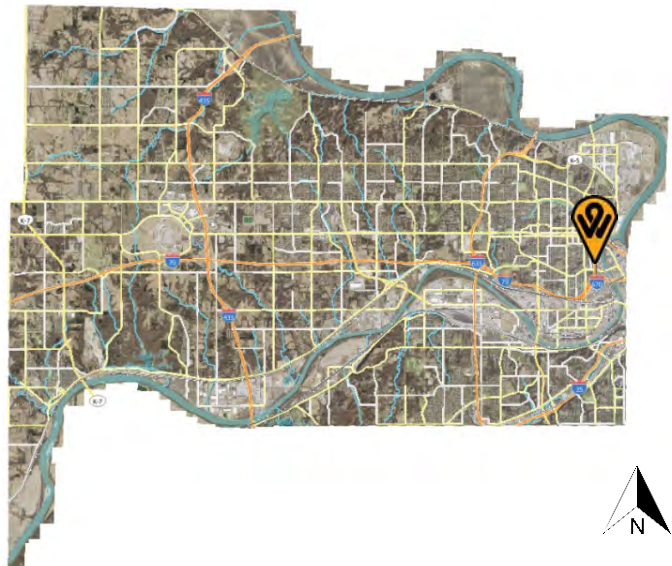
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
William Burns Jr.

Existing Zoning District(s):

TND Traditional Neighborhood
Design District, Transect Zone T-4

Plan Area

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	TND Traditional Neighborhood Design District	Drinking Establishment
South	TND Traditional Neighborhood Design District	Mixed-Use Building
East	TND Traditional Neighborhood Design District	Multi-family residence
West	TND Traditional Neighborhood Design District	Mixed-Use Building

Total Tract Size: 0.098 Acre

Comprehensive Plan Area: Central Area Plan

Comprehensive Plan Designation: The Central Area Plan designates this property as Urban Density, which allows a mix of detached and attached residential homes. Allowed building types in the Urban Density Land Use District include single-family homes; attached residences including town homes, duplexes, triplexes, and fourplexes; and, institutional, such as schools, churches and libraries.

Major Street Plan: The goDotte Mobility Plan designates North 6th Street as a Minor Collector.

Parking Requirement: Section 27-472(n)(3)c requires two (2) parking spaces per 1,000 square feet of office or retail space. The subject property is a mixed-use building, with 2,940 square feet of commercial space on the first story where the proposed uses will occur. Although the Zoning Code requires five (5) parking spaces to serve the commercial space, the subject property is a legally non-conforming building that was constructed in 1925 and fills nearly the entirety of the parcel, and therefore no variance from the parking minimum is required.

Landscaping Requirement: Section 27-471 (s)(1)h states “Storefronts greater than 60 in length: landscaping in the form of movable planter boxes and pots are required. One (1) planter box with a minimum dimension of 18 inches by 18 inches shall be

required per 25 feet of storefront length”. The subject property does not currently fulfill this standard.

Advertisement:	<u>The Wyandotte Echo</u> – July 18, 2024 Letters to Property Owners – July 19, 2024
Public Hearings:	August 12, 2024 and August 29, 2024
Public Support:	Two (2) people appeared in support at the August 12, 2024, City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Michael Simmons, is requesting a Special Use Permit to operate a cigar lounge and drinking establishment with live entertainment at 407 North 6th Street, Kansas City, Kansas 66101.

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. 2018 – 2018-00118960 – Disturbance
2. 2019 – 2019-00004410 – Traffic Complaint
3. 2020 – 2020-00120663 – Traffic Complaint

Building, Zoning, or Code Enforcement Complaints:

1. 2016 – 16200-02522 – Environment – Grass and weeds.
2. 2018 – 18200-03213 – Environment – Trim around window in need of repair (closed).

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 within the Riverview Statistical Neighborhood and is within the Strawberry Hill Neighborhood Association. The neighborhood is located immediately west of the Kansas River and Interstate-70 and is one of the oldest neighborhoods in Kansas City. Characteristics of the neighborhood include mixed-used buildings with shared walls, sidewalks, and small, dense single-family residential parcels located on side streets off of the main commercial and mixed-use streets—North 5th Street, North 6th Street, and North 7th Street Trafficway. Buildings along this street typically are composed of brick masonry or natural stone. The neighborhood lacks sufficient parking, but is generally walkable with traffic access.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. 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 nearby parcels on the 400-block of North 6th Street, on both sides of the public right-of-way, are zoned TND District and thus such mixed uses are anticipated. Current nearby uses include a funeral home, bars, apartment building, tax office, automotive repair, and spiritual consultant. The mixed nature of these uses and current presence of alcohol-serving establishments indicates that a drinking establishment would be compatible. In fact, drinking establishments are encouraged to be located within the commercial or mixed-use areas of denser and walkable neighborhoods in order to reduce the opportunities for drinking and driving by the patrons.

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

This property is suitable for use as a small commercial business or mixed-use building. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding if the drinking establishment is not managed properly.

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

The property is not vacant. The property has been owned by the current property owner since 2013.

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

Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates this property as Urban Density, which allows a mix of detached and attached residential homes. Allowed building types in the Urban Density Land Use District include single-family homes; attached residences including town homes, duplexes, triplexes, and fourplexes; and, institutional, such as schools, churches and libraries. The proposed use conforms to the Central Area 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 as this is an existing use but should not exceed the capacity of North 6th Street, a Minor 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.*

While it is important to the social and economic life of the community to have open and operating businesses in storefronts, a drinking establishment is not reasonably necessary to the convenience and welfare of the public. However, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise, vibration and illumination are expected to occur in durations as to create issues with nearby properties. However, these issues are not expected to create problems for nearby property, if windows and doors are closed during performances, there are no outdoor speakers, and outdoor lighting is affixed with 90-degree cut-offs. Dust is not expected to be an issue with this type of use.

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

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

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing, permitted mix-use building in an existing, built-out urban neighborhood. There are no plans to expand the footprint of the structure.

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

The relative gain or loss to public health, safety and welfare is minimal as it only provides the convenience of entertainment and gathering with some economic benefit. If denied, the landowner could not use the property as a drinking establishment with live entertainment but may still use the property as a cigar lounge, as well as a small-scale commercial business or sell the property.

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.*

The proposed use could potentially result in both the overcrowding of land and undue concentrations of population. These issues may arise if the applicant does not abide by the posted occupancy limit set by the fire department. If managed properly and in adherence to the outlined conditions, these items should not be a major concern.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 407 North 6th Street, Kansas City, Kansas 66101 on July 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Hours of Operation
Legal Non-Conforming Parking
Private Club Classification
Scope of Operation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-046, **for two (2) years**, subject to:

1. The applicant must comply with the landscaping standards as listed in Section 27-471 (s)(1)h which requires “Storefronts greater than 60 in length: landscaping in the form of movable planter boxes and pots are required. One (1) planter box with a minimum dimension of 18 inches by 18 inches shall be required per 25 feet of storefront length”;
2. All entertainment must cease by at least 1:00AM;
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:
 - o 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;
 - o Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - o An I.D. scanner will be used at all times;
 - o 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 impacts adjacent residential uses;
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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building

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

10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. 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;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. 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. 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 **SP2024-046** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floor Plan
By-Laws for Membership
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated July 12, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	August 12, 2024 Approval	August 29, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-046** 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 **SP2024-046**, 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.

August 12, 2024, City Planning Commission Minutes:

Hearing starts at Recording 2 - 58:40 :

SPECIAL USE PERMIT APPLICATION SP2024-046 – MICHAEL D. SIMMONS -

SYNOPSIS: Special Use Permit for live entertainment at a private club/smoking lounge at 407 North 6th Street. Detailed Outline of Requested Action: The applicant, Michael Simmons, is requesting a Special Use Permit to operate a cigar lounge and drinking establishment with live entertainment at 407 North 6th Street, Kansas City, Kansas 66101.

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 August 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Commissioner Miller stated that the owner reached out to him to ask questions about the process.

Present in Support:

- Michael Simmons, Applicant/Representative, The Shop Cigar Lounge, 3236 North 123rd Terrace, Kansas City, Kansas 66109
- Matt Watkins, 4023 North 111th Street, Kansas City, Kansas 66109
- Tony Martinez, 12949 Sloan Avenue, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared.

Staff Recommendation starts at Recording 2 – 1:03:10: Planner Molloy stated that the request is to add live entertainment to the existing cigar lounge and drinking establishment. Staff has received no letters in support nor opposition prior to this evening. Staff recommends approval subject to the conditions in the staff report.

Motion starts at Recording 2 – 1:03:40:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-046 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

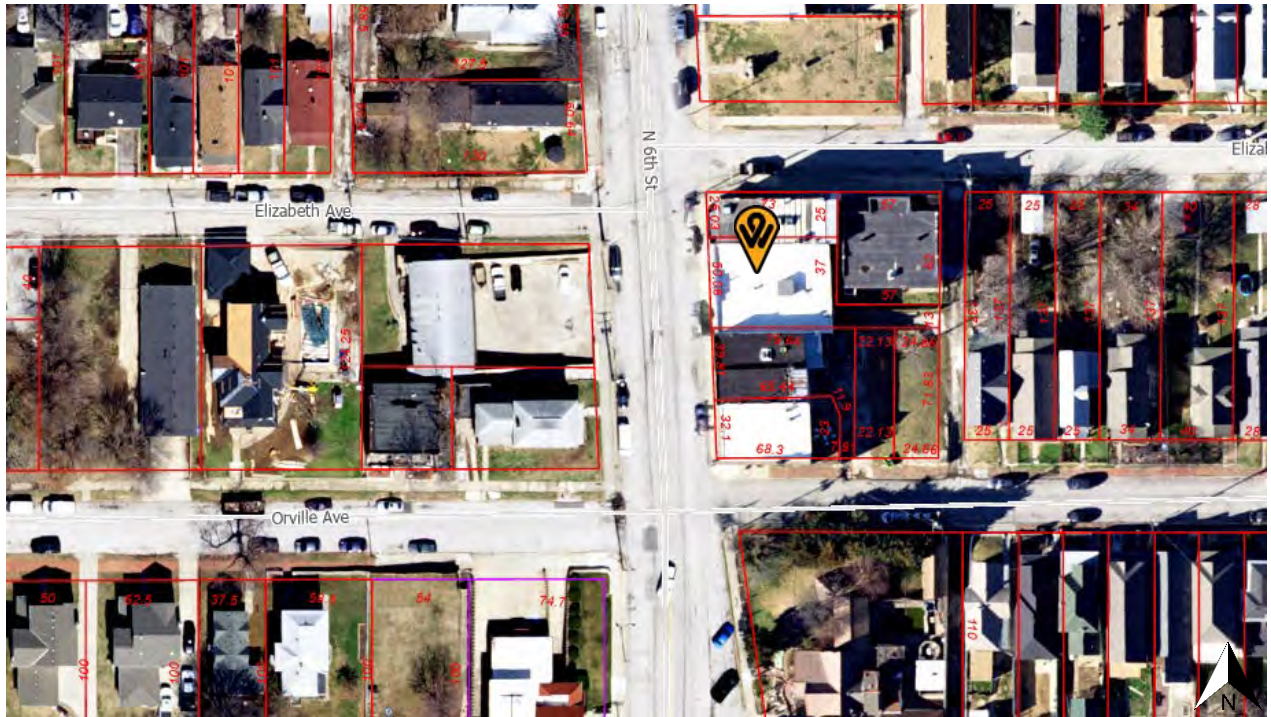
1. The applicant must comply with the landscaping standards as listed in Section 27-471 (s)(1)h which requires “Storefronts greater than 60 in length: landscaping in the form of movable planter boxes and pots are required. One (1) planter box with a minimum dimension of 18 inches by 18 inches shall be required per 25 feet of storefront length”;
2. All entertainment must cease by at least 1:00AM;
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:
 - o 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;

- Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - An I.D. scanner will be used at all times;
 - 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 impacts adjacent residential uses;
- 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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
- 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 11. 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;
- 12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 13. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

AERIAL IMAGERY



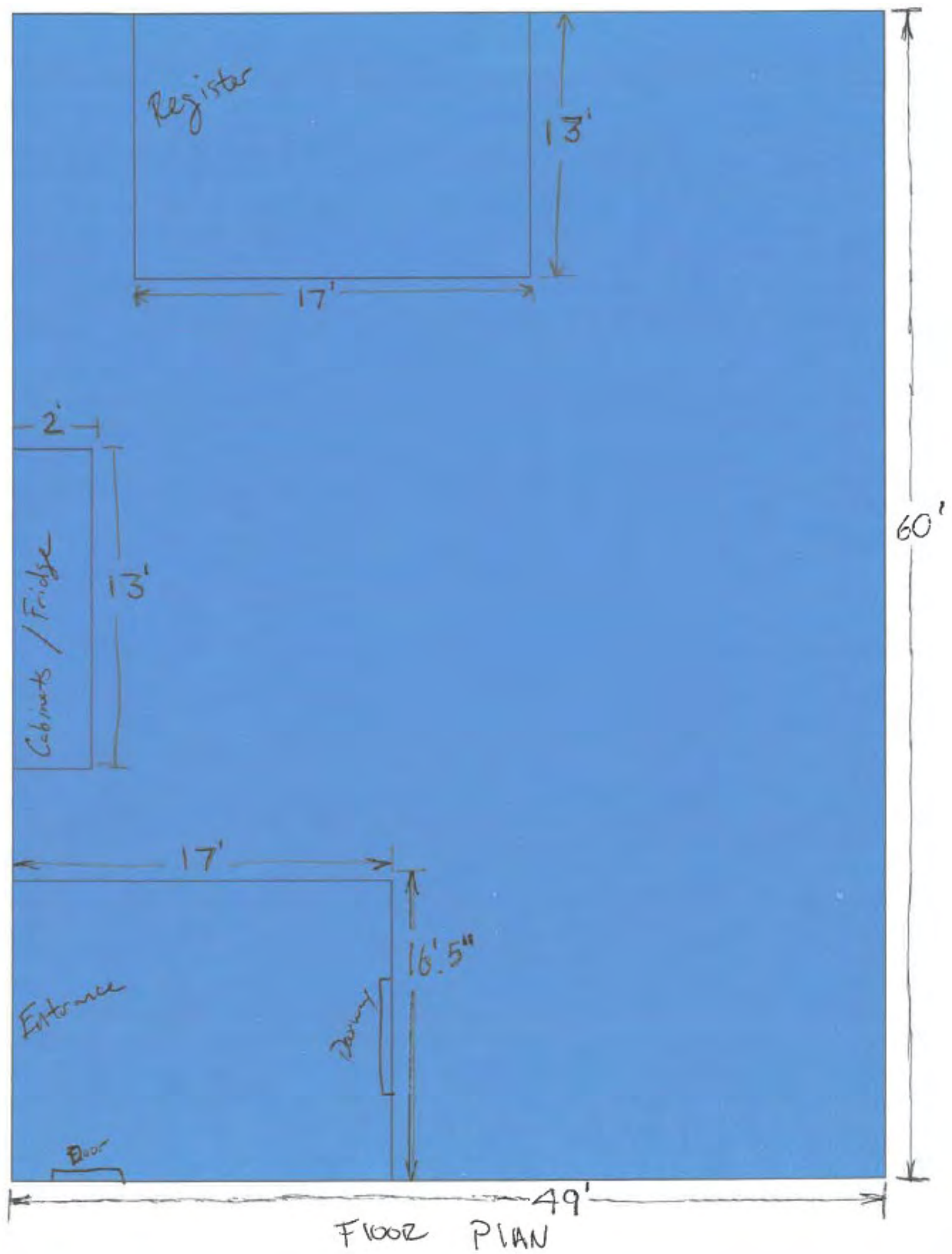
ZONING MAP



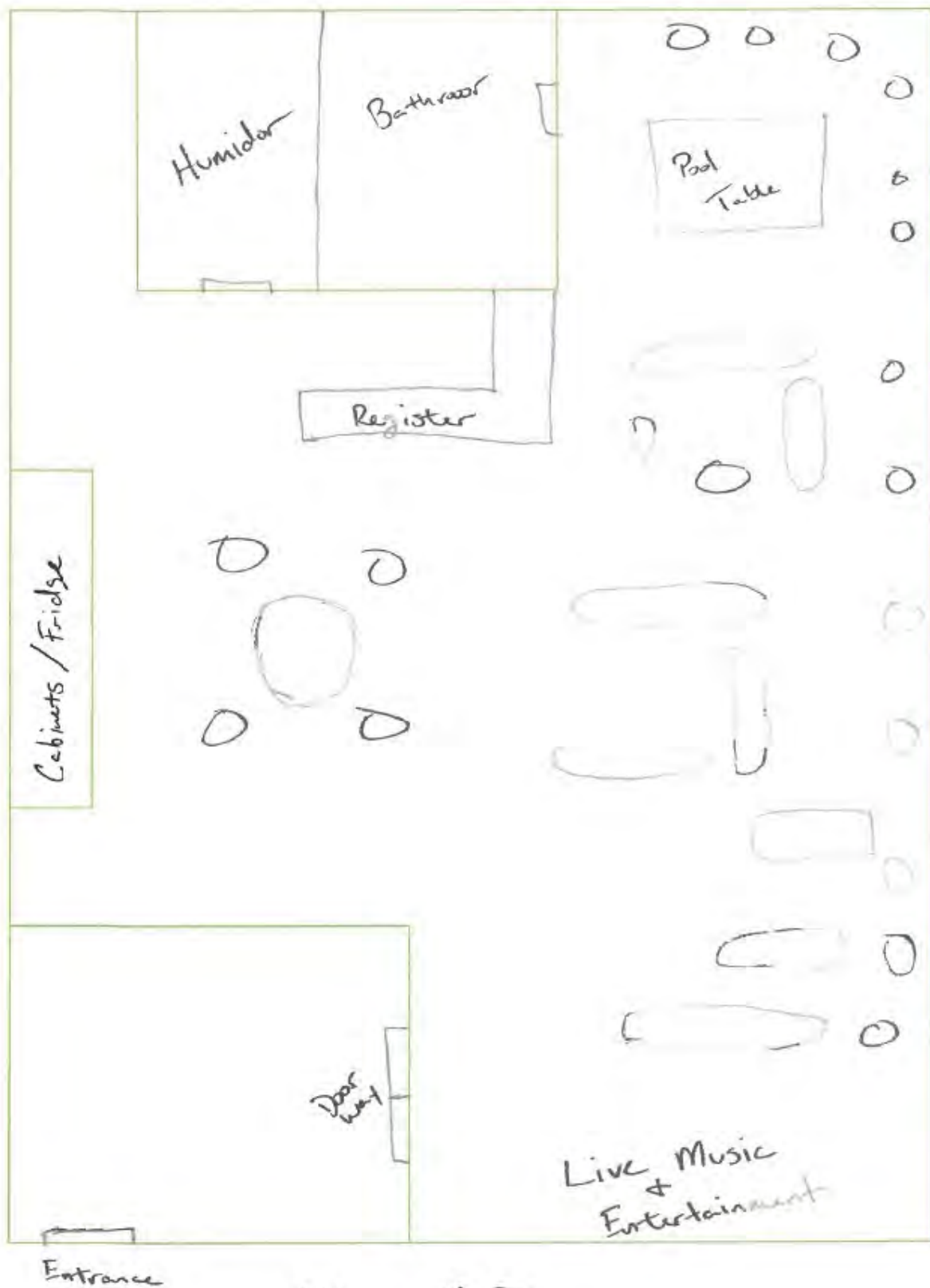
LAND USE MAP



FLOOR PLAN



FLOOR PLAN



LANDSCAPING



BY-LAWS FOR MEMBERSHIP

By-Laws/Rules

- You are over the age of 21.
- Membership term shall automatically renew for subsequent periods of the same length as the initial term unless either party gives written notice of termination at least 30 days prior to expiration of the then-current term.
- You can store cigars purchased from The Shop Cigar Lounge and any other products as long as they do not violate any Federal, State, or local laws. Brands not sold at The Shop Cigar Lounge may also be stored once inspected and cleared by a staff member.
- You assume full responsibility for the contents of your locker. The Shop Cigar Lounge does not insure, nor is it responsible for any contents stored in the lockers.
- Keys for lockers will be held by the store manager and opened at your convenience.
- The Shop Cigar Lounge staff has the right to access any locker at any time necessary or by law. .
- Management reserves the right to suspend or revoke a membership for non-payment of bill, breach of contract, misconduct, or failure to adhere to any of the rules, regulations, and policies set forth by The Shop Cigar Lounge.
- The Shop Cigar Lounge reserves the right to suspend access to any locker for 30 days due to non-payment. If non-payment exceeds 60 days, The Shop Cigar Lounge reserves the right to seize contents of locker and terminate membership.
- The Shop Cigar Lounge reserves the right to refuse service and/or lounge access to any person.
 - No Fighting
 - Please ask to move furniture
 - Be Respectful
 - Clean up after yourself
 - Be mindful to others
 - Use of indoor voice is highly recommended

NEIGHBORHOOD MEETING MATERIALS

Application Number: SP2024-046

Date and Location: July 29th 2024 at 5:30pm at 407 North 6th Street Kansas City, KS 66101

Meeting called to order at: 5:30pm

Introductions: Mike Simmons introduced himself and talked about the special use permit he applied for Live music and private club.

The information given was a walk through of the area that would hold the music.

People present: Joni Bocelewatz (423 North 6th st Kansas City, KS 66101) and Mike Bocelewatz (411 North 6th st Kansas City, KS 66101)

No questions were asked about the special use permit

Meeting adjourned at: 6:00pm

Minutes taken by David Toland

Sign In Sheet

Joni Bocelenty 423 N. 6th St.
~~MM~~ 411 N. 6th St.

NEIGHBORHOOD MEETING MATERIALS

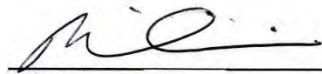
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Michael D. Simmons, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2024-046
2. That I conducted a neighborhood meeting on July 29th, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of July, 20024

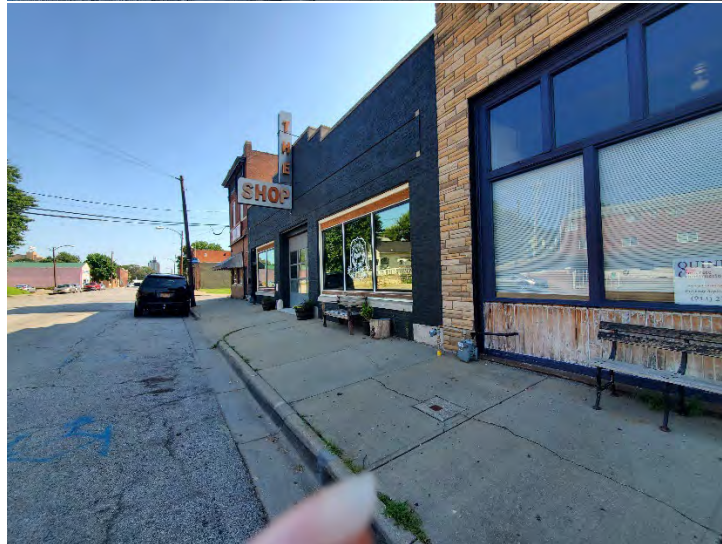
My commission expires 8th of December, 20027





Notary Public

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JULY 12, 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: August 29, 2024

Re: Vacation Petition VAC2024-006

GENERAL INFORMATION

Applicant Information:

Wil Anderson
Representative
BHC
701 State Avenue
Kansas City, KS 66101

Subject Property:

534 Garnett Avenue
Kansas City, KS 66103

Requested Action and Purpose:

Approval to vacate a public Right-of-Way to be combined with the adjoining single-family properties at 534 Garnett Avenue.

Commission Districts:

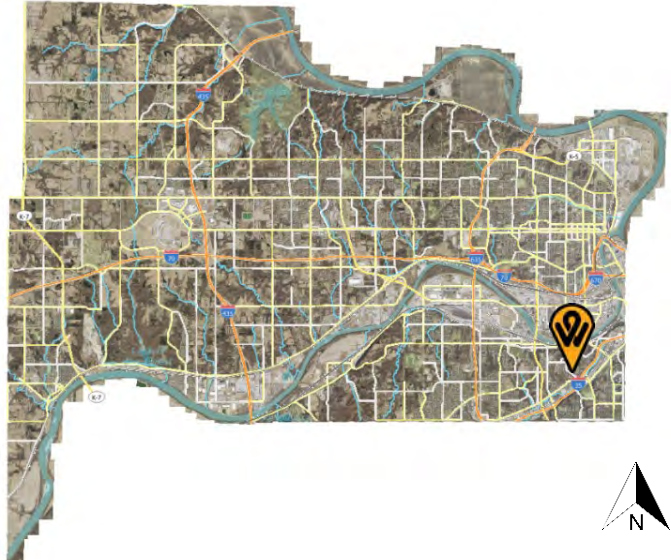
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-2(B) Two Family District

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-2(B) Two Family District	Single-family Residence
South	R-2(B) Two Family District	Vacant Lot
East	R-2(B) Two Family District	Single-family Residence
West	Public Right-of-Way	Right-of-Way

Total Tract Size: 0.09 Acre

Neighborhood Characteristics: The subject property is located within the Shawnee Heights Statistical Neighborhood and the Shawnee Road Neighborhood Group. The neighborhood consists of primarily single-family residences. The topography of the area is relatively steep to the west of the subject property. The neighborhood is heavily wooded.

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 Mobility Plan designates Garnett Avenue as Local/Neighborhood Street.

Parking Requirement: Section 27-457 (d) states “One parking space for each dwelling unit shall be provided on the premises”. The subject property provides one (1) parking space.

Landscaping Requirement: Section 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – July 18, 2024
Letters to Property Owners – July 19, 2024

Public Hearings: August 12, 2024 and August 29, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wil Anderson, is requesting a Vacation of a right-of-way to be combined with the adjoining single-family properties at 534 Garnett Avenue.

City Ordinance Requirements: K.S.A. 12-504, Article XXI Sections 27-502 – 27-709 to 12-506 and 12-512b. 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 with the current property owner.

Building, Zoning, or Code Enforcement Complaints:

1. 2023 – VPR23-0357 – VPR Compliance – Vacant property.

Outstanding or Related Permit and Cases:

1. 2023 – RES23-0494 – Residential – Residential additions, alterations, and conversions.
2. 2024 – PLM24-0195 – Plumbing – Replacement of gas lines.
3. 2024 – ELE24-0193 – Electrical – Electrical entrance service upgrade.

Previous Planning Actions:

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

FACTORS TO BE CONSIDERED

1. ***No private rights will be injured or endangered by such vacation or exclusion.***

This vacation of the public right-of-way is proposed for the undeveloped portion of a dead-end street. No future development can extend past the proposed vacation due to the natural topography of the area. There is one other parcel that could be accessed off the proposed vacated public right-of-way. This parcel is currently owned by the Unified Government of Wyandotte County-Kansas City, Kansas. This vacation should not injure nor endanger the private rights of nearby owners.

2. *The public will suffer no loss or inconvenience thereby.*

The proposed vacation occurs on an undeveloped section of public right-of-way. As this section of road has never been developed and is situated at the end of a fully built-out street with no further development extending past the proposed vacation, the public will suffer no loss or inconvenience.

3. *In justice to the petitioner or petitioners, the request of the petitioner ought to be granted.*

The petitioner is requesting the proposed vacation in order to maintain the area without reliance on the Unified Government to maintain this public right-of-way . This would decrease the need for the city to maintain this piece of public right-of-way, therefore the request of the petitioner ought to be granted.

4. *Vacation will not create utility conflicts.*

Public Works Department and Planning Engineering do not anticipate any utility conflicts as a result of this vacation.

KEY ISSUES

Access to Nearby Property

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Right-of-Way Vacation Application VAC2024-006, subject to:

1. **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;**
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. **Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;**
4. **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;

5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. 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;
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. 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. Approval of this case by the City Planning Commission, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
10. 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 **VAC2024-006** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Vacation Exhibit
Site Visit Photos, Taken by Staff – Dated July 12, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Vacation of Right-of-Way	August 12, 2024 - Approval	August 29, 2024

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2024-006** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **VAC2024-006**, 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.

August 12, 2024, City Planning Commission Minutes:

Hearing starts at Recording 2 – 1:18:20:

VACATION APPLICATION VAC2024-006 – WIL ANDERSON WITH BHC RHODES-

SYNOPSIS: Vacation of a portion of Garnett Avenue Street right-of-way at 534 Garnett Avenue. *Detailed Outline of Requested Action:* The applicant, Wil Anderson, is requesting a Vacation of a right-of-way to be combined with the adjoining single-family properties at 534 Garnett Avenue.

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

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

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

Present in Support:

- Wil Anderson, Applicant, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared.

Staff Recommendation starts at Recording 2 – 1:21:51: Planner Molloy stated that the request is for vacation of undeveloped right-of-way, which will probably never be developed. The owner wants to vacate this right-of-way and combine his property with the UG owned property to the south. Staff received no letters in support nor opposition. Staff recommends approval subject to the conditions in the staff report.

Motion starts at Recording 2 – 1:22:18:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2024-006:**

Carson	Chairman
Ernst	Aye
Jones	Aye
Miller	Aye

Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Not Present

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. 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;
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. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
4. 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;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. 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;
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. 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. Approval of this case by the City Planning Commission, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,**
- 10. 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

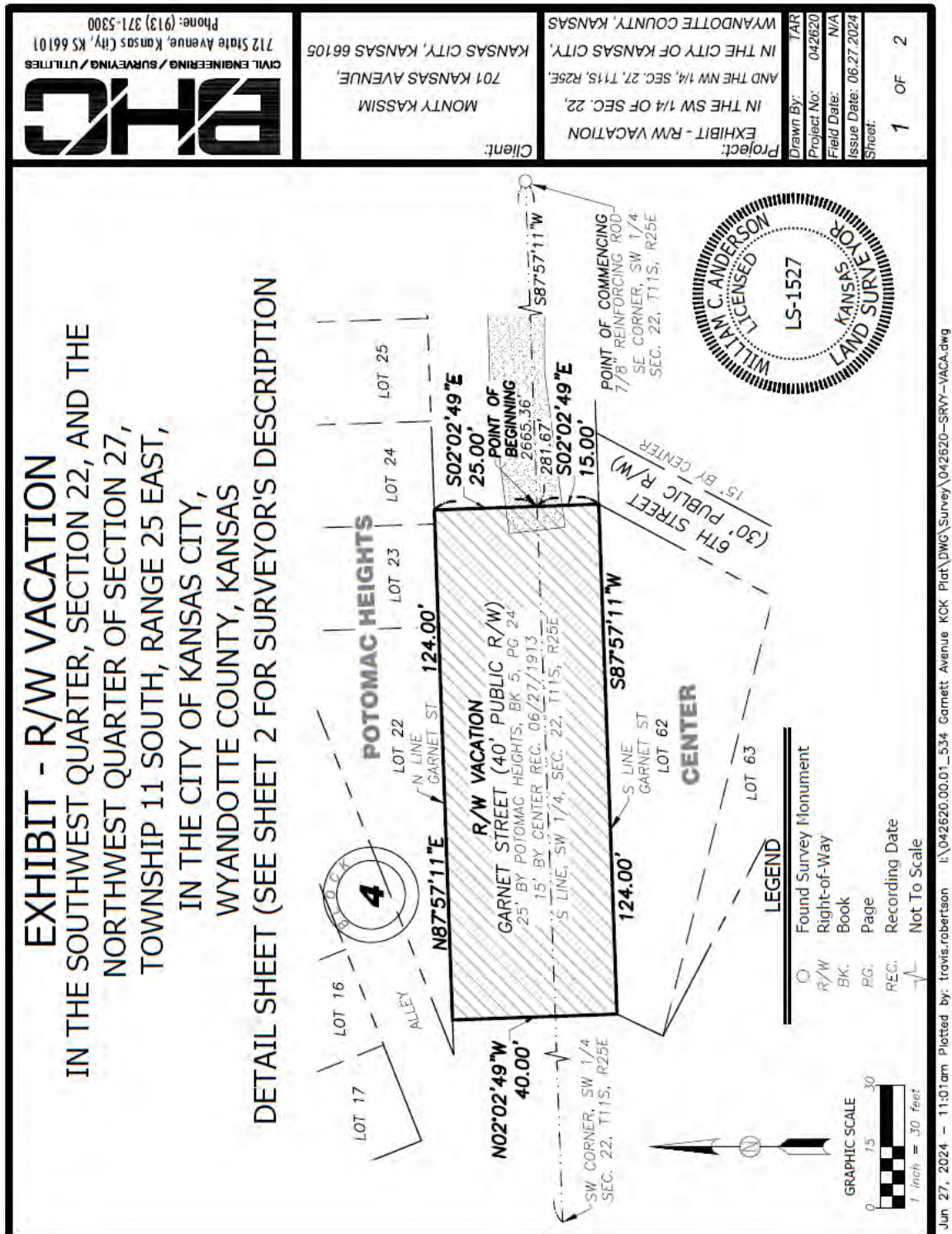


ZONING MAP



LAND USE MAP





SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JULY 12, 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: August 29, 2024

Re: Vacation Petition VAC2024-007

GENERAL INFORMATION

Applicant Information:

Dr. Jane Philbrook
Property Owner
7161 State Avenue
Kansas City, KS 66112

Subject Property:

7161 State Avenue
Kansas City, KS 66112

Requested Action and Purpose:

Approval to vacate a public Right-of-Way to be combined with the adjoining mixed-use property.

Commission Districts:

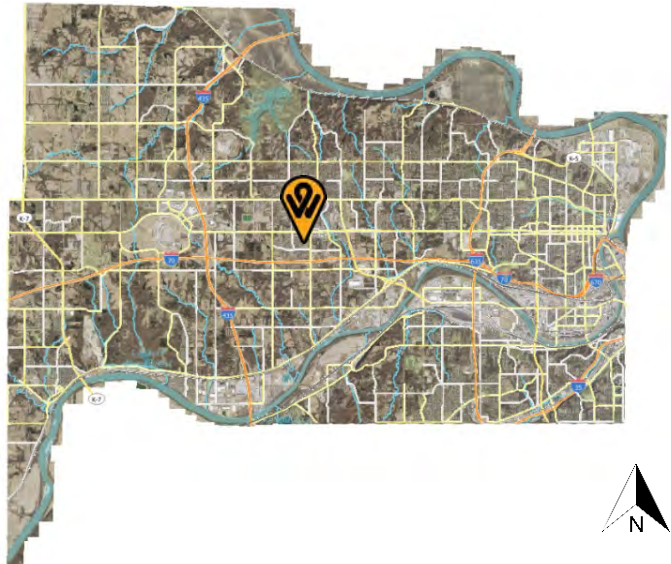
Commissioner At-Large, District #1:
Melissa Bynum
District #8 Commissioner:
Andrew Davis

Existing Zoning District(s):

CP-0 Planned Non-retail Business
and RP-5 Planned Apartment
Districts

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	Public Right-of-Way	State Avenue
South	RP-5 Planned Apartment District	Single-family Residence
East	Public Right-of-Way	College Parkway
West	C-1 Limited Business District	Furniture Store

Total Tract Size: 5.2 Acres

Neighborhood Characteristics: The subject property is located within the Coronado Statistical Neighborhood and the Victory Hills Statistical Neighborhood. The subject property also is located within the Tuner Community Connection Business Group and the Leavenworth Road Association Business Group. The neighborhood consists of commercial and industrial properties to the west and multi-family residential properties to the south. The property is accessed off State Frontage Road.

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Corridor Mixed-Use, which allows for medium scale, up to five story buildings that integrate complimentary land uses such as retail, office, small businesses and residential. Buildings should be built up to the street for a consistent street frontage and transition to abutting residential uses. and Medium-Density Residential, which allows for future housing needs through the construction of a wide variety of attached residential development intended to promote infill development and investment by allowing for greater densities

Major Street Plan: The goDotte Mobility Plan designates State Avenue as Major Arterial Street.

Parking Requirement: Section 27-463 (e) states “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”. Section 27-460 (d) states “One (1) and one-half (1 ½) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking

spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. The subject property provides approximately ten (10) parking spaces, which fulfills the stated requirements.

Landscaping Requirement:

Section 27-460 (f) states “A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area”. Section 27-463 (g) states “Screening or buffer plantings are to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property”. Section 27-700 (b) states “Buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-O, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. In district R-M and C-O, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property. All multifamily residential projects shall include at least one shade tree per eight dwelling units and one shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required”. It is unclear if the subject property fulfills the required fifty (50) tree minimum for the 5.2 acres.

Advertisement:

The Wyandotte Echo – None Required
Letters to Property Owners – July 19, 2024

Public Hearings:

August 12, 2024 and August 29, 2024

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Dr. Jane Philbrook, is requesting a Vacation of a right-of-way to be combined with the adjoining mixed-use property at 7161 State Avenue, Kansas City, KS 66112.

City Ordinance Requirements: K.S.A. 12-504, Article XXI Sections 27-502 – 27-709 to 12-506 and 12-512b. and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been 7 noise or disturbance complaints between April 2016 and May 2020, for calls involving 911 investigations, disturbances, suspicious crowd activity, and shot fired.

Building, Zoning, or Code Enforcement Complaints:

1. 2006 – 06213-00000-00046 – Zoning Code Enforcement – No screening around dumpster (Closed).
2. 2013 – 13201-0027 – Structural – Second story balcony in disrepair.

Outstanding or Related Permit and Cases:

1. 2014 – 14300-00354 – Commercial – Adding handrails to existing deck.

Previous Planning Actions:

1. 2018 – 18401-00007 – Change of Zone – Proposed Change of Zone to CP-2, Planned General Business District, and RP-5, Planned Apartment District (Withdrawn).

FACTORS TO BE CONSIDERED

1. ***No private rights will be injured or endangered by such vacation or exclusion.***

The vacation as proposed by the applicant excludes the adjoining property owners along North 70th Terrace, as a portion of the vacated area belongs, by right, to those property owners. This should be reflected in the plat submitted with this application.

2. *The public will suffer no loss or inconvenience thereby.*

The proposed vacation occurs on an undeveloped section of public right-of-way. This undeveloped area does not currently have the potential to be developed in the future, therefore the public will suffer no loss or inconvenience.

3. *In justice to the petitioner or petitioners, the request of the petitioner ought to be granted.*

The petitioner is requesting the proposed vacation for an undisclosed reason. The vacation of the proposed area would decrease the need for the Unified Government to maintain this piece of public right-of-way, therefore the request of the petitioner ought to be granted.

4. *Vacation will not create utility conflicts.*

The proposed vacation has the potential to create utility conflicts as the vacation would require an access easement for the stormwater utility line on the property.

KEY ISSUES

Driveway Apron
Parking Lot
Split Zoning Districts
Stormwater Utility Line

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Right-of-Way Vacation Application VAC2024-007, subject to:

- 1. The proposed right-of-way vacation must be appropriately zoned and obtain a PlanKCK Comprehensive Plan land use designation. A Change of Zone and Master Plan Amendment must be filed prior to any future development of this parcel;**
- 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, 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;**
- 3. The applicant must comply with the applicable landscaping and parking standards;**

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. 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. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
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. 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. Approval of this case by the City Planning Commission, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **VAC2024-007** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Vacation Exhibit
Vacation Exhibit Depicting Easement
Planning Engineering Comment Letter
Site Visit Photos, Taken by Staff – Dated July 12, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission
Vacation of Right-of-Way	August 12, 2024 Approval

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2024-007** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **VAC2024-007**, 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.

August 12, 2024, City Planning Commission Minutes:

VACATION APPLICATION VAC2024-007 – JANE WINKLER PHILBROOK TRUST -

SYNOPSIS: Vacation of a portion of State Avenue right-of-way at 7161 State Avenue.

Detailed Outline of Requested Action: The applicant, Dr. Jane Philbrook, is requesting a Vacation of a right-of-way to be combined with the adjoining mixed-use property at 7161 State Avenue, Kansas City, KS 66112.

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 August 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he spoke briefly with Matt Watkins about any questions Mr. Carson had about this case.

Present in Support:

- Matt Watkins, Reece Commercial, representing Dr. Philbrook

Present in Opposition:

- No one appeared.

Staff Recommendation starts at Recording 2 - 1:26:48: Planner Molloy stated that the request is for vacation of unused right-of-way at the corner of College Parkway and State Avenue. Staff has received no letters in support nor opposition. There have been Notices of Violation in the past for weeds and trash along the property line. Staff recommends approval subject to the conditions in the staff report.

Motion starts at Recording 2 - 1:27:25:

On motion by Mr. Ward, seconded by Ms. Schwartz, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2024-007:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. The proposed right-of-way vacation must be appropriately zoned and obtain a PlanKCK Comprehensive Plan land use designation. A Change of Zone and Master Plan Amendment must be filed prior to any future development of this parcel;
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, 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;
3. The applicant must comply with the applicable landscaping and parking standards;
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. 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. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
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. 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;

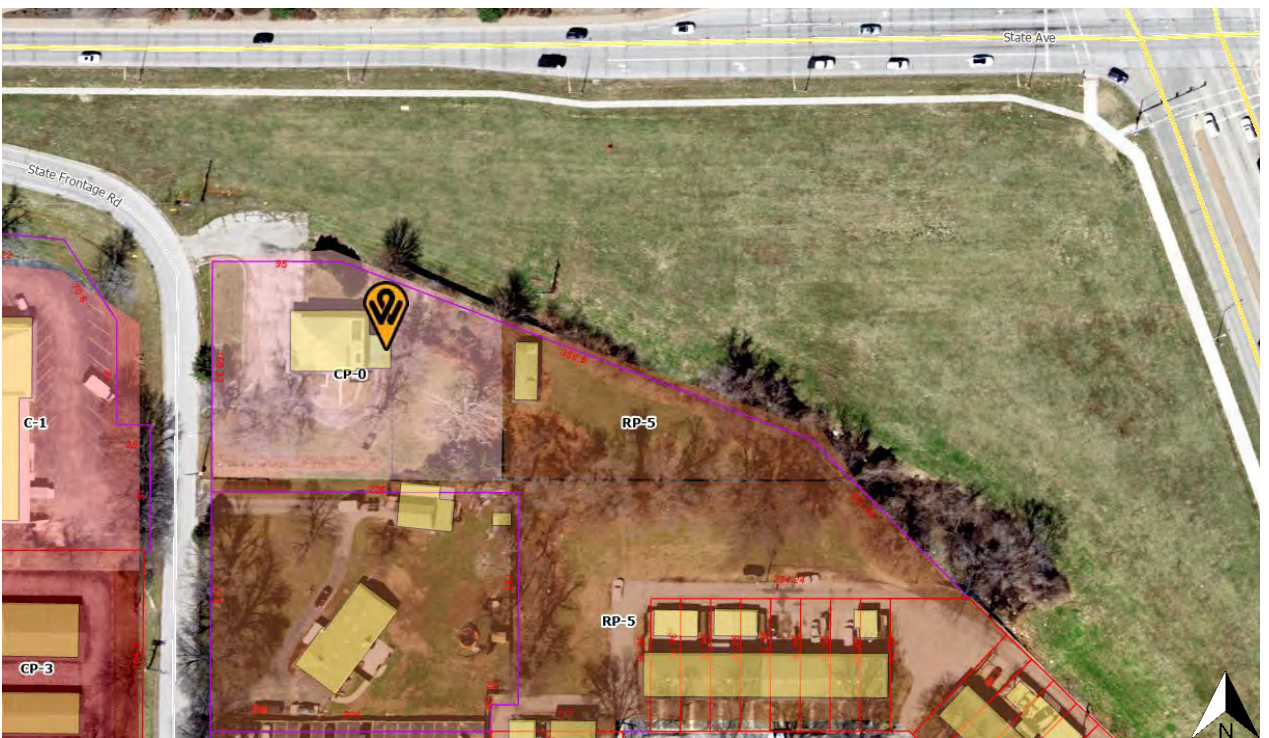
11. Approval of this case by the City Planning Commission, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and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

ATTACHMENTS

AERIAL IMAGERY



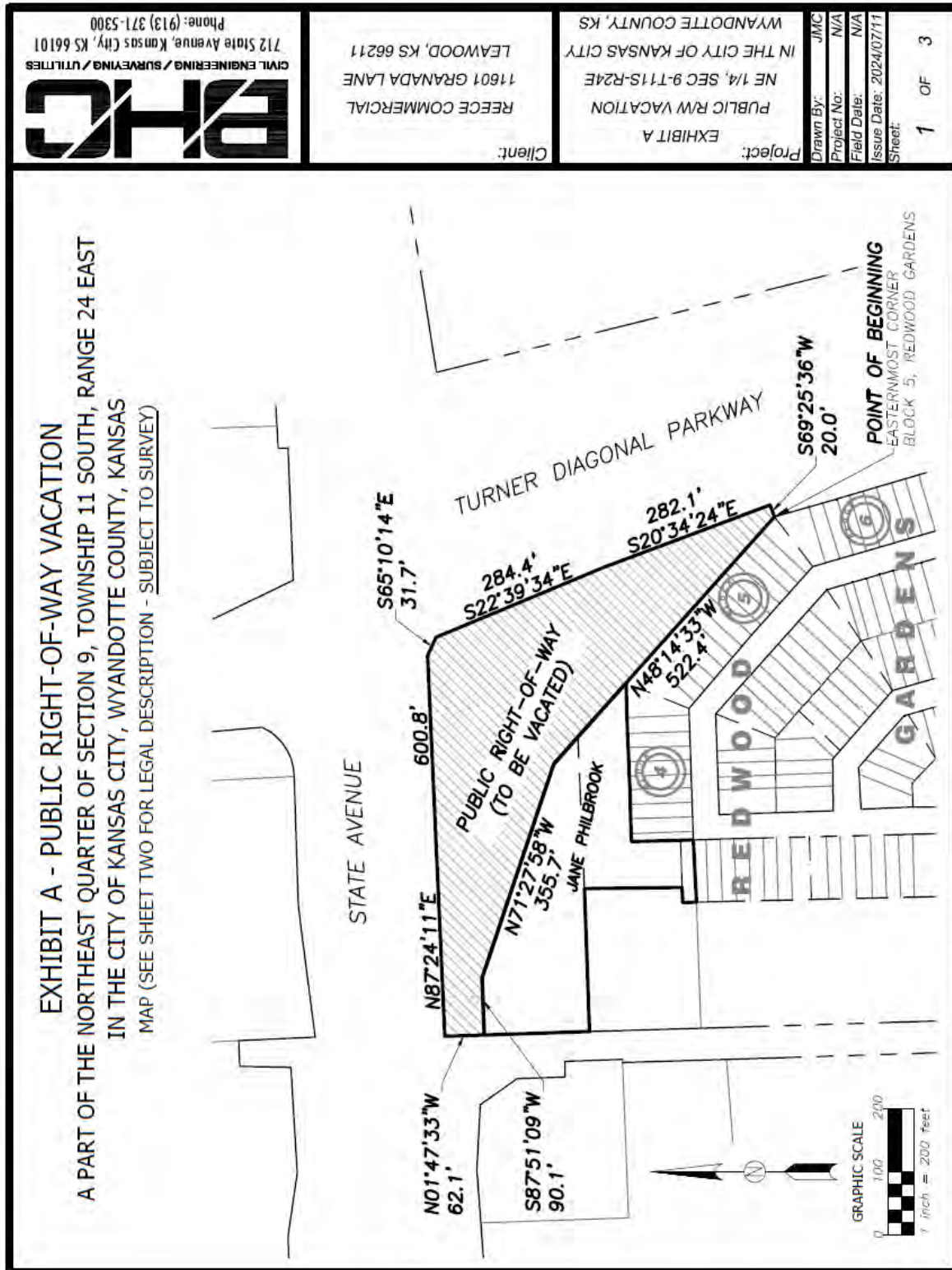
ZONING MAP



LAND USE MAP

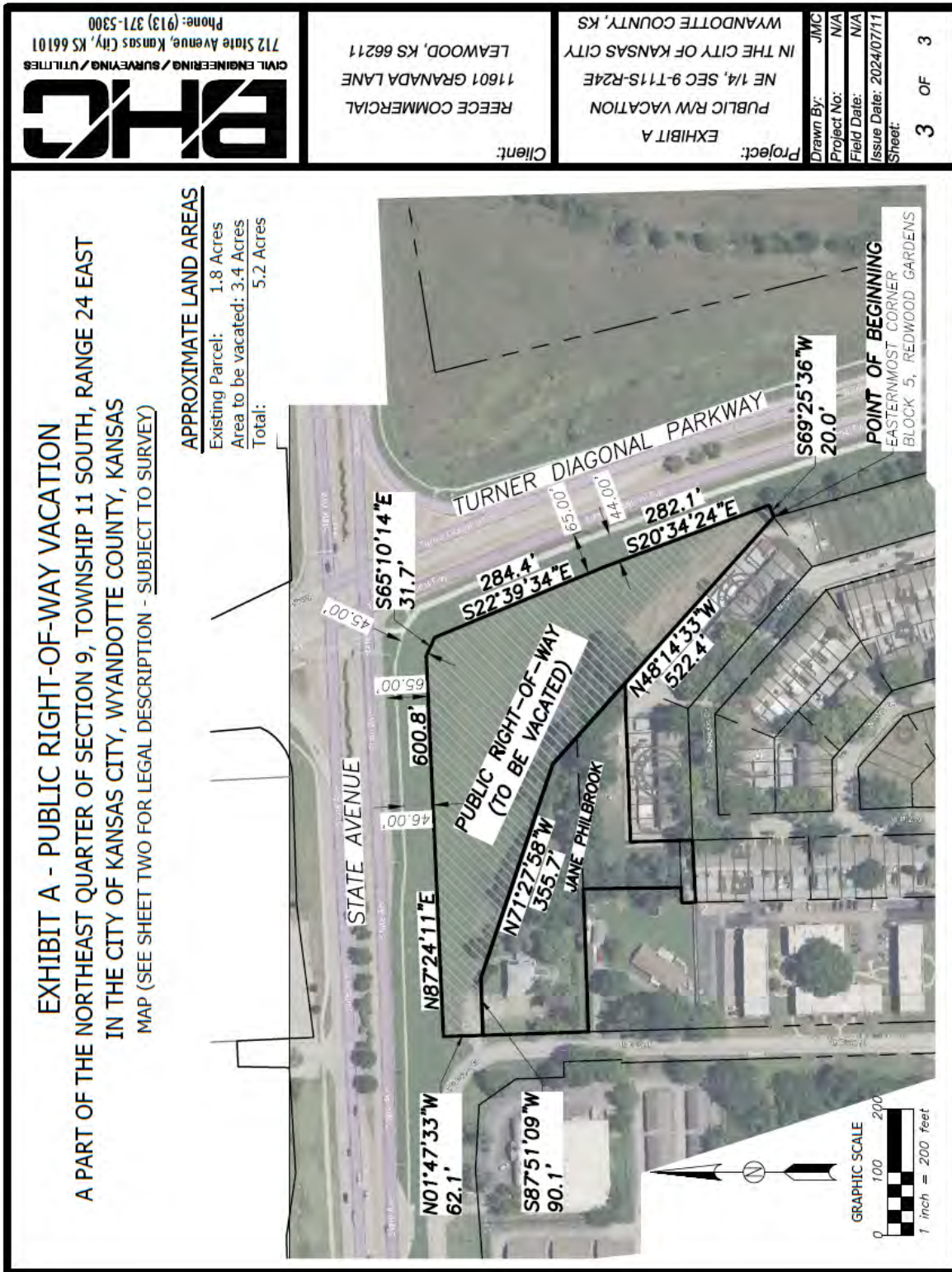


VACATION EXHIBIT



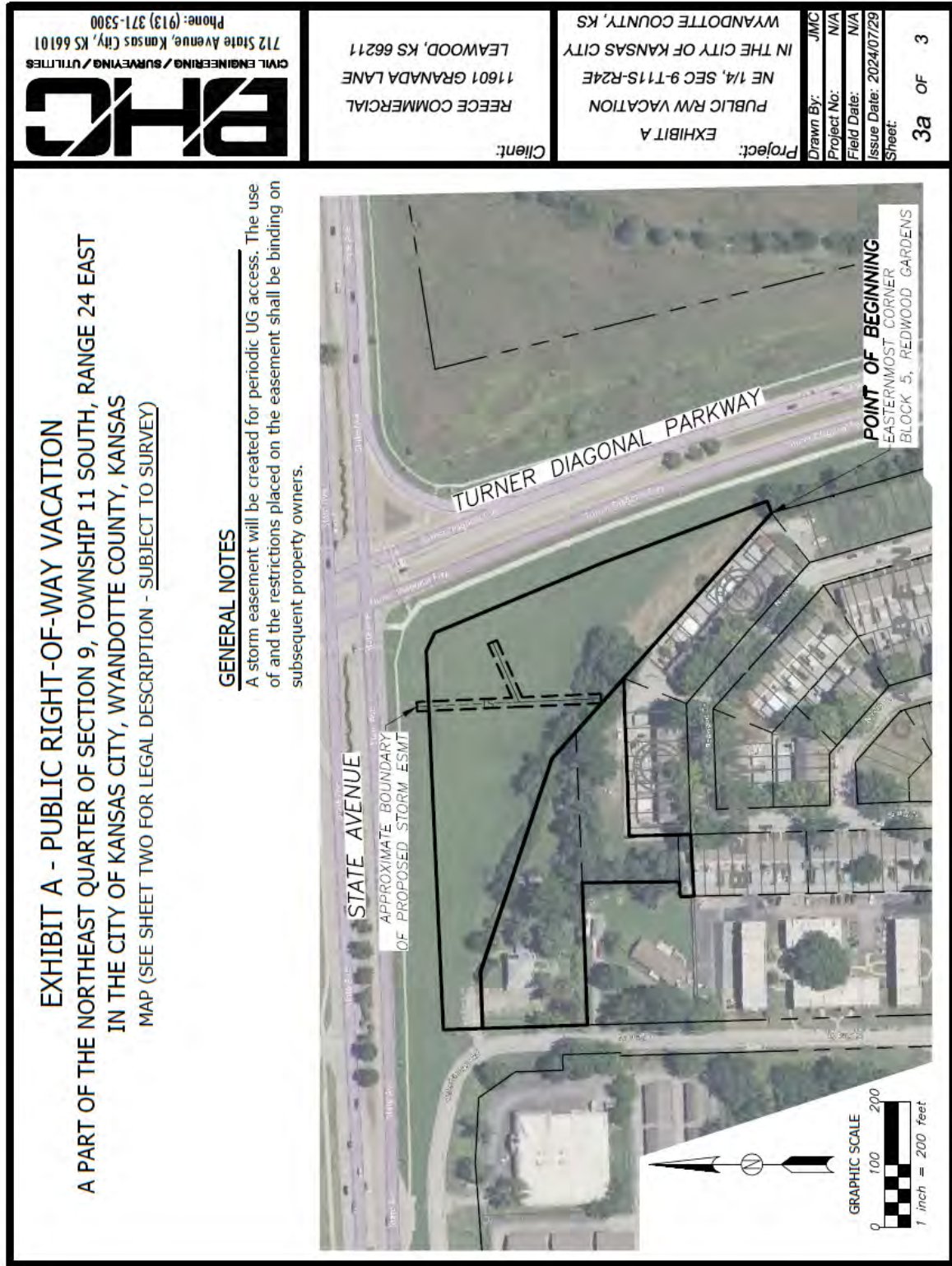
Jul 11, 2024 — 1:23pm Plotted by: trovis.robertson K:\job\2024 Proposals\06 June\WCA_2021-01-18 Matt Watkins (Reece) Turner Vista — KCK Project\DWG\Survey\Philbrook_UC-RW-VAC

VACATION EXHIBIT



Jul 11, 2024 - 1:23pm Plotted by: travis.robertson K:\Job\2024 Proposals\06 June WCA_2021-01-18 Matt Watkins (Reece) Turner Vista - KCK Project\DWG\Survey\Philbrook_UC-ROW-VAC

VACATION EXHIBIT DEPICTING EASEMENT



Jul 29, 2024 - 8:48am Plotted by: travis.robertson K:\Job\2024 Proposals\06 June\WCA_2021-01-18 Matt Watkins (Reece) Turner Vista - KCK Project\DWG\Survey\Philbrook_UG-RW-VACA.dwg

PLANNING ENGINEERING COMMENT LETTER



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

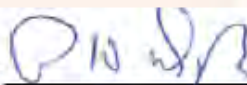
DATE: July 26, 2024

SUBJECT: Jane Philbrook - VAC2024-007
7161 State Avenue
General Engineering Review No. 1 (of the exhibit dated 7/11/2024, received 7/11/2024)

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) Show easement for public stormwater infrastructure (in blue below) dedicated for periodic UG access. The use of and the restrictions placed on the easement shall be binding on subsequent property owners.



Reviewer: 

Patrick Doyle, Engineering Manager

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JULY 12, 2024



SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JULY 12, 2024



SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JULY 12, 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: August 29, 2024

Re: Preliminary and Final Plan Petition PR2024-012

GENERAL INFORMATION

Applicant Information:

Kile Morrison
Archimages, Inc.
14205 West 95th Street
Lenexa, KS 66215

Subject Property:

521 South 72nd Street
Kansas City, KS 66111

Requested Action and Purpose:

Approval of a Preliminary and Final Development Plan to build a Fire Station (KCKFD Station #20).

Commission Districts:

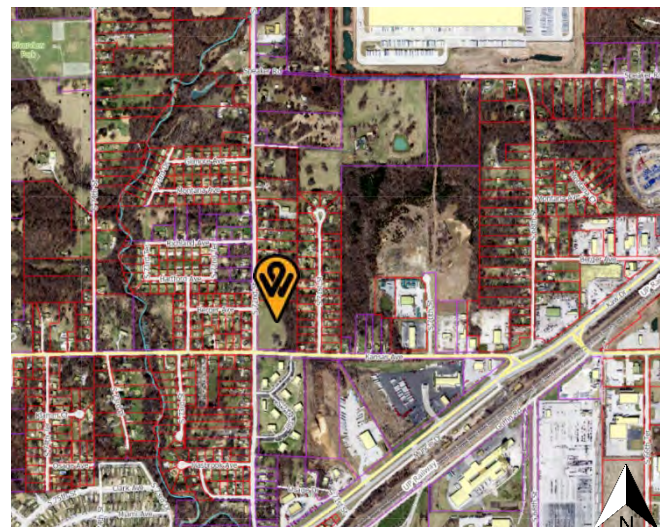
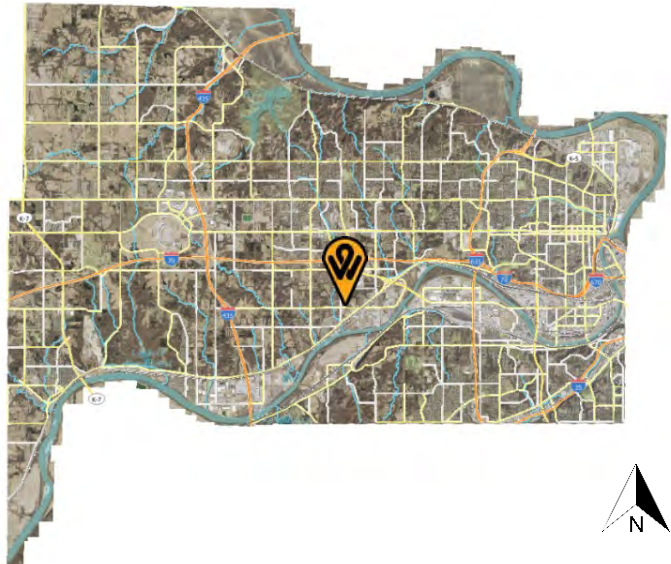
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Phillip Lopez

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	Single-family home
South	RP-5 Planned Apartment District	Apartments
East	R-1 Single Family District	Single-family homes
West	R-1 Single Family District	Single-family homes

Total Tract Size: 4.20 Acres

Neighborhood Characteristics: The subject property is located within the Muncie-Stony Point Statistical Neighborhood and Block Group 0440013. The neighborhood consists of established single-family subdivision to the east and west and apartments to the south, across Kansas Avenue. The parcel is one-half (½) mile west of Kaw Drive, an industrial corridor along the Kansas River.

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates this property as Low-Density Residential, which allows single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods. Townhomes and side-by-side rowhouses at an intersection at the end of a block and/or with frontage on a commercial, mixed-use or neighborhood corridor is allowed. Development in these areas should provide adequate open space to maintain the neighborhood character. Clustering unit and dedicating areas for larger open spaces are encouraged. These areas should be designed to support multi-modal connectivity with sidewalks and street trees.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates North 72nd Street, a Minor Collector and Kansas Avenue, a Major Collector.

Parking Requirement: Section 27-454(e) Two (2) off-street parking spaces shall be provided on the premises for each dwelling, at least one (1) of which shall be in a garage or carport.

Sec. 27-668(b) Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission. 28 parking spaces are provided.

Landscaping Requirement:

Section 27-700(a) 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. 26 trees are required. 39 trees are provided.

Advertisement:

The Wyandotte Echo – None
Letters to Property Owners – May 17, 2024, June 4, 2024 and June 30, 2024

Public Hearings:

August 12, 2024 and August 29, 2024

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kile Morrison, is requesting a Preliminary and Final Plan Review for a new fire station (KCKFD Station #20) at 521 South 72nd Street.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VI Section 27-212, 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. Neighborhood Character.

The subject property is located within the Muncie-Stony Point Statistical Neighborhood and Block Group 0440013. The neighborhood consists of established single-family subdivision to the east and west and apartments to the south, across Kansas Avenue. The parcel is one-half (½) mile west of Kaw Drive, an industrial corridor along the Kansas River.

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

The proposed use will increase KCKFD vehicle traffic simply due to calls for service in the area, but not in ways that would adversely affect road capacity, safety, or create parking problems. Crosswalks will be added across driveways and a sidewalk will be added along South 72nd Street and Kansas Avenue.

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

The PlanKCK Comprehensive Plan designates this property as Low-Density Residential, which allows single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods. Townhomes and side-by-side rowhouses at an intersection at the end of a block and/or with frontage on a commercial, mixed-use or neighborhood corridor is allowed. Development in these areas should provide adequate open space to maintain the neighborhood character.

The proposed use does not conform to the Comprehensive Plan. A Master Plan Amendment to Public/Semi-Public/Institutional should be evaluated.

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

a. Electric and Water Service

To be provided by BPU Electric and Water Divisions.

b. Sanitary Sewer Service

To be provided by the Unified Government.

c. Storm Water Control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #222.

e. Fire

Fire service is provided by Station #20, which is the subject property.

f. Transit

There is no public transit provided to or near the subject property.

g. Schools

Public Education is provided by Oak Grove Elementary School, Turner Middle School, and Turner High School, under Turner USD 202.

h. Streets

The subject property is accessed off of North 72nd Street, a Minor Collector and Kansas Avenue, a Major Collector.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

With revisions to the submitted plans, the proposed use is capable of meeting applicable ordinance and other requirements.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 7741 Kansas Avenue (KCKFD Station 20) on May 23, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Screening and Buffering
Tree Preservation
Grading

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Plan Review Application PR2024-012, subject to:

1. Per goDotte Countywide Strategic Mobility Plan, a five (5) foot sidewalk shall be constructed on South 72nd Street and Kansas Avenue;
2. Add a painted crosswalk across the driveways along South 72nd Street and Kansas Avenue;
3. Section 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
4. To minimize the vehicle traffic, noise from sirens, and light from headlights and flashing lights from the existing single-family residences on South 72ⁿ Street, the building should be rotate 90 degrees and the overhead pull through garage doors are orientated to the south along Kansas Avenue;
5. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
6. Buffer the north and east side of the property – shall remain has open space;
7. Section 27-700(a) 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;
8. One (1) street tree shall be planted per 30 feet of frontage along South 72nd Street and Kansas Avenue. This is in addition to the required site trees per Section 27-700(a);
9. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
10. 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;
11. All landscaping shall be irrigated;
12. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);

13. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
14. Regarding BPU transformer screening, the following applies:
- a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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; and,

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.

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 **PR2024-012** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Utility Plan
Floor Plan
Landscape Plan
Building Elevations

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Preliminary and Final Plan Review	August 12, 2024 Approval	August 29, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2024-012** 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 **PR2024-012**, 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.

August 12, 2024, City Planning Commission Minutes:

Hearing starts at Recording 2 – 2:10:10:

PLAN REVIEW APPLICATION PR2024-012 – KILE MORRISON WITH ARCHIMAGES

- **SYNOPSIS:** Preliminary and Final Plan Review to construct a new fire station at 521 South 72nd Street. *Detailed Outline of Requested Action:* The applicant, Kile Morrison, is requesting a Preliminary and Final Plan Review for a new fire station (KCKFD Station #20) at 521 South 72nd 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 August 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the

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

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

Present in Support:

- Kile Morrison, Applicant, Archimages, Inc., 14205 West 95th Street, Lenexa, Kansas 66215

Present in Opposition:

- No one appeared.

Staff Recommendation starts at Recording 2 – 2:12:49: Planner Toy stated Staff recommends approval subject to the conditions in the staff report.

Motion starts at Recording 2 – 2:13:07:

On motion by Ms. Armstrong, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2024-012:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. Per goDotte Countywide Strategic Mobility Plan, a five (5) foot sidewalk shall be constructed on South 72nd Street and Kansas Avenue;
2. Add a painted crosswalk across the driveways along South 72nd Street and Kansas Avenue;
3. Section 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
4. To minimize the vehicle traffic, noise from sirens, and light from headlights and flashing lights from the existing single-family residences on South 72ⁿ Street, the building should be rotate 90 degrees and the overhead pull through garage doors are orientated to the south along Kansas Avenue;
5. Gutters and downspouts shall be internalized. Scuppers shall be recessed

- in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
6. Buffer the north and east side of the property – shall remain has open space;
 7. Section 27-700(a) 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;
 8. One (1) street tree shall be planted per 30 feet of frontage along South 72nd Street and Kansas Avenue. This is in addition to the required site trees per Section 27-700(a);
 9. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
 10. 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;
 11. All landscaping shall be irrigated;
 12. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
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 - i. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - j. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - k. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
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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; and,
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.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP





May 22, 2024

Re: Preliminary and Final Plan Petition PR2024-012

Architect's response to selected draft review comments are in red below.

KEY

ISSUES

Screening and Buffering

Tree Preservation

Grading

STAFF

COMMENTS

AND

SUGGESTIONS

Planning and Urban Design Comments:

General:

1. Per goDotte Countywide Strategic Mobility Plan, a five (5) foot sidewalk shall be constructed on South 72nd Street and Kansas Avenue. Agree. However, please note that the grade is quite steep in the southeast corner of the site.
2. Add a painted crosswalk across the driveways along South 72nd Street and Kansas Avenue. If I understand this correctly, we need to paint a crosswalk that continues the line of the sidewalks across the new driveways. If that is correct, we agree.
3. Section 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. Agree
4. To minimize the vehicle traffic, noise from sirens, and light from headlights and flashing lights from the existing single-family residences on South 72ⁿ Street, the building should be rotate 90 degrees and the overhead pull through garage doors are orientated to the south along Kansas Avenue. The fire department feels that the better orientation, operationally, is to exit onto 72nd Street. This allows apparatus to exit onto the street with less traffic and more direct access to calls to the north and south.

Building Architecture:

1. Provide color elevations/renderings of the fire station. A JPG file of the perspective rendering was provided with our submission. An updated file

14205 W. 95th St. • Lenexa, Kansas 66215 • (913) 378-9533 • www.archimages-stl.com

is attached.

2. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized. The building is designed to have interior roof drains as was done on Fire Station 16 on 55th Street. These interior roof drains will be piped into the storm sewer system of the project. As with Station 16, we are planning for the overflow drains to be internally piped down from the roof and terminated through the wall with "lamb's tongue" fittings to the outside. We feel that this configuration assures roof drainage better than would piping both the main and overflow drain into the storm sewer system.

Landscaping and Screening:

1. Delineate on the landscape plan the tree stand. Buffer the north and east side of the property – shall remain has open space. The landscape drawing is intended to indicate that the existing tree stand will be retained to the extent possible with new site grading. Fifteen new evergreen trees are also indicated on the north and to enhance the vegetative buffer. We will add an evergreen tree buffer on the north.
2. Section 27-700(a) 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. We calculate this as 26 trees.
3. One (1) street tree shall be planted per 30 feet of frontage along South 72nd Street and Kansas Avenue. We calculate this as 29 trees. However, there is an overhead power line along the east side of 72nd Street. We do not agree with planting street trees under a power line.

If the figures from items 2 and 3 above are to be taken as a sum, then 55 trees are called for. The submitted landscape plan has 35 trees. Additionally, a buffer on the north side will add about 20 evergreen trees, for a total of 55. The portion of the existing tree stand that is planned to remain averages at least 50-feet wide and includes a dense stand of trees.

4. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines. Extruded aluminum mechanical equipment screens, like those used on Station 12 and Station 16, will be used on this project.

Kansas City Kansas Fire Department
 New Fire Station 20
 May 23, 2024, Neighborhood Meeting
 Attendance Sign-in



NAME	ADDRESS	TELEPHONE
Chad Womble	Fire Dept.	913-645-9466
LaRonn McBaine	Fire Dept	913-282-3023
Andrew Womble	Fire Dept	913-524-9443
GARY LAMB	HARON CORP.	
RANCE QUINN	UG CITY HALL	913 573-5325
Bob & Bonnie Hahn	608 So. 72nd St KCK	913-334-1435
Kyle Morrison	Archimages	913-378-9533
Shohreh Hershey	Archimages	913-378-9533

Meeting Minutes

Meeting Date: May 23, 2024, 6:300 p.m.
 Location: Fire Station 20, 7741 Kansas Avenue, Kansas City KS 66111
 Re: Neighborhood Meeting for KCKFD Station 20
 Project Number: K23512
 Attendees: See attached sign-in sheet

This confirms and records our interpretations of the discussions which occurred, and our understanding reached during this meeting. Unless notified in writing within seven days of the issue date, we will assume that the following interpretations or description is complete and accurate.

Items Discussed:

1. Kile Morrison presented two drawings illustrating the project, including a rendered site plan showing the proposed building and site development and a 3d rendering of the building. Kile explained the project as follows:
 - a. FD needs a new station in this area.
 - i. The existing building is too small, does not provide adequate firefighter facilities and needs work.
 - b. UG purchased the vacant lot – NE corner of 72nd and Kansas Ave. for this purpose.
 - c. Rendering:
 - i. Brick, stone, and stucco exterior materials
 - ii. Prototype for new KCKFD stations.
 - iii. The building is a lot like Station 16 in Pearson Park on 55th Street.
 - d. Site layout drawing
 - i. Service side (apparatus bays) to the south:
 - ii. 4 drive-through apparatus bays
 - iii. Decontamination area
 - iv. Proper storage for turnout gear, equipment, and supplies
 - v. Training space
 - vi. "House" side on the north
 - vii. Kitchen, dining, and dayroom
 - viii. Patio to the northwest.
 - ix. Fitness room
 - x. Individual bunk rooms.
 - xi. Drive-through apparatus bays.
 - xii. Parking for visitors
 - xiii. Parking for crew
 - xiv. Generator and trash screened by brick walls.
 - xv. Existing wooded areas will be cut back as shown.

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- xvi. Buffer of at least 50-feet will remain.
 - xvii. Evergreen trees to screen the north and east sides.
 - xviii. Mailboxes will be moved to the west side of 72nd Street.
2. The meeting was then opened for questions. The neighbors in attendance voiced support for the project and indicated that they see it as an improvement to the neighborhood.
 3. The only question was about where workers will park during construction. Kile said that, because no parking is available on the street, it is likely that the south end of the site will be used for parking and construction lay down area. Near the end of the construction period that area will then be finished.

Attachments:

1. Drawings used in the meeting.
2. Contact names and addresses used for mailing meeting invitations.
3. Sign-in sheet.

End of meeting minutes.

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AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF JOHNSON)

Comes now Kile R. Morrison, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #PR2024-012.
2. That I conducted a neighborhood meeting on May 23, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

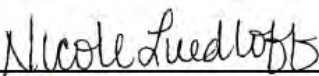
Further affiant saith not.



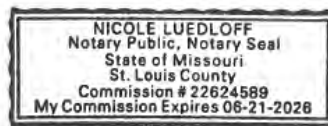
Affiant

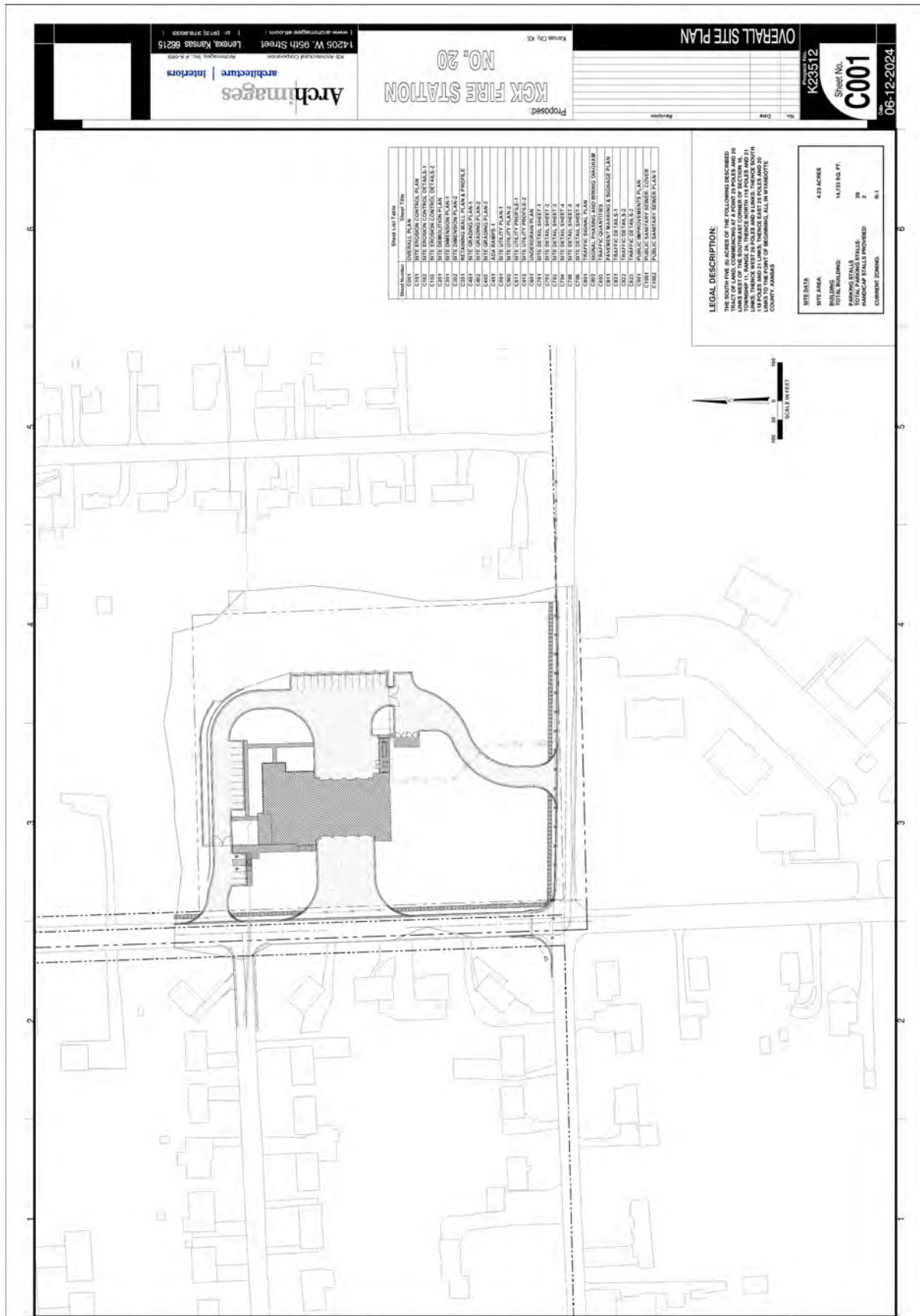
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of May, 2024.

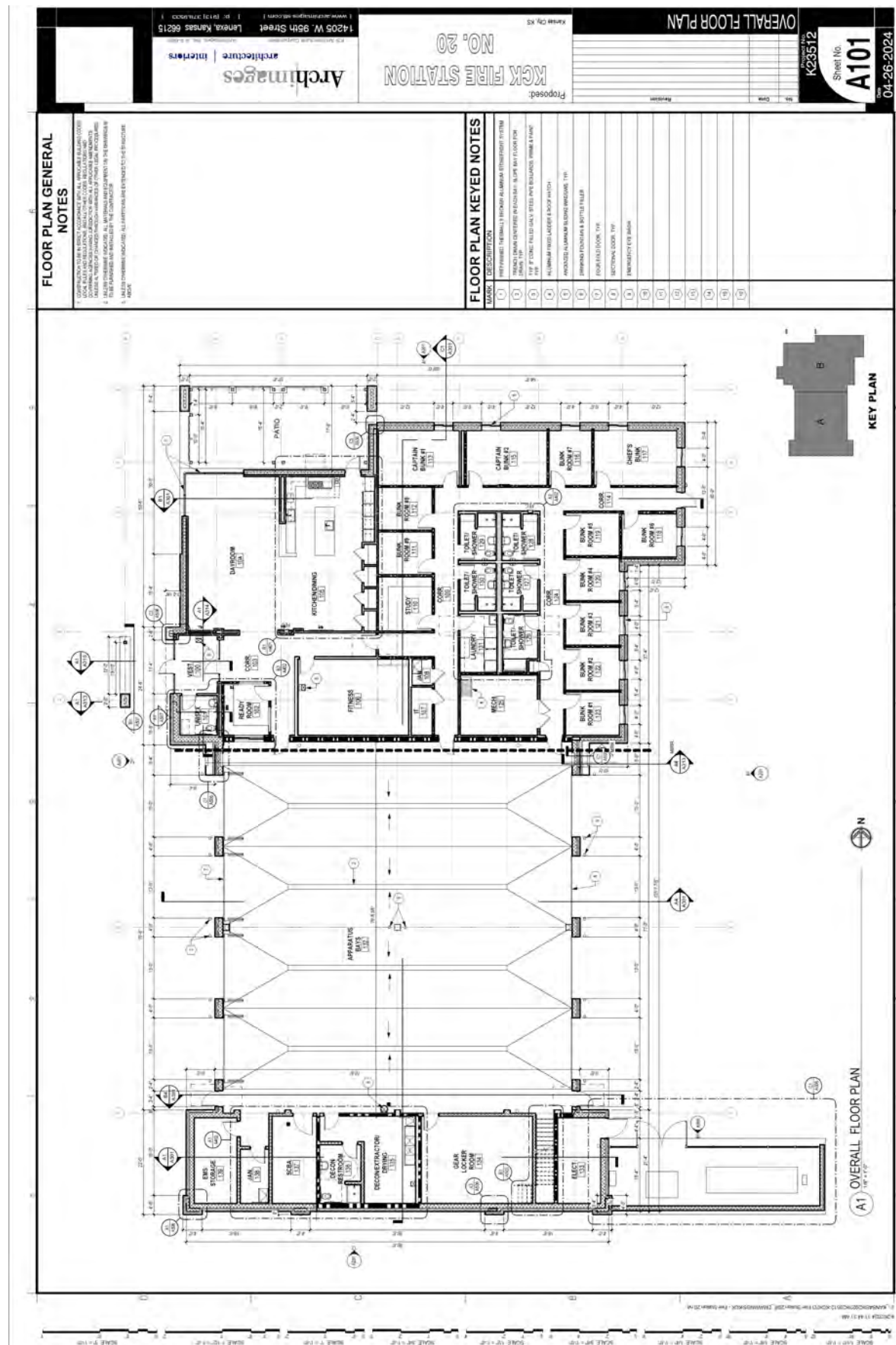
My commission expires 21 of June, 2026.

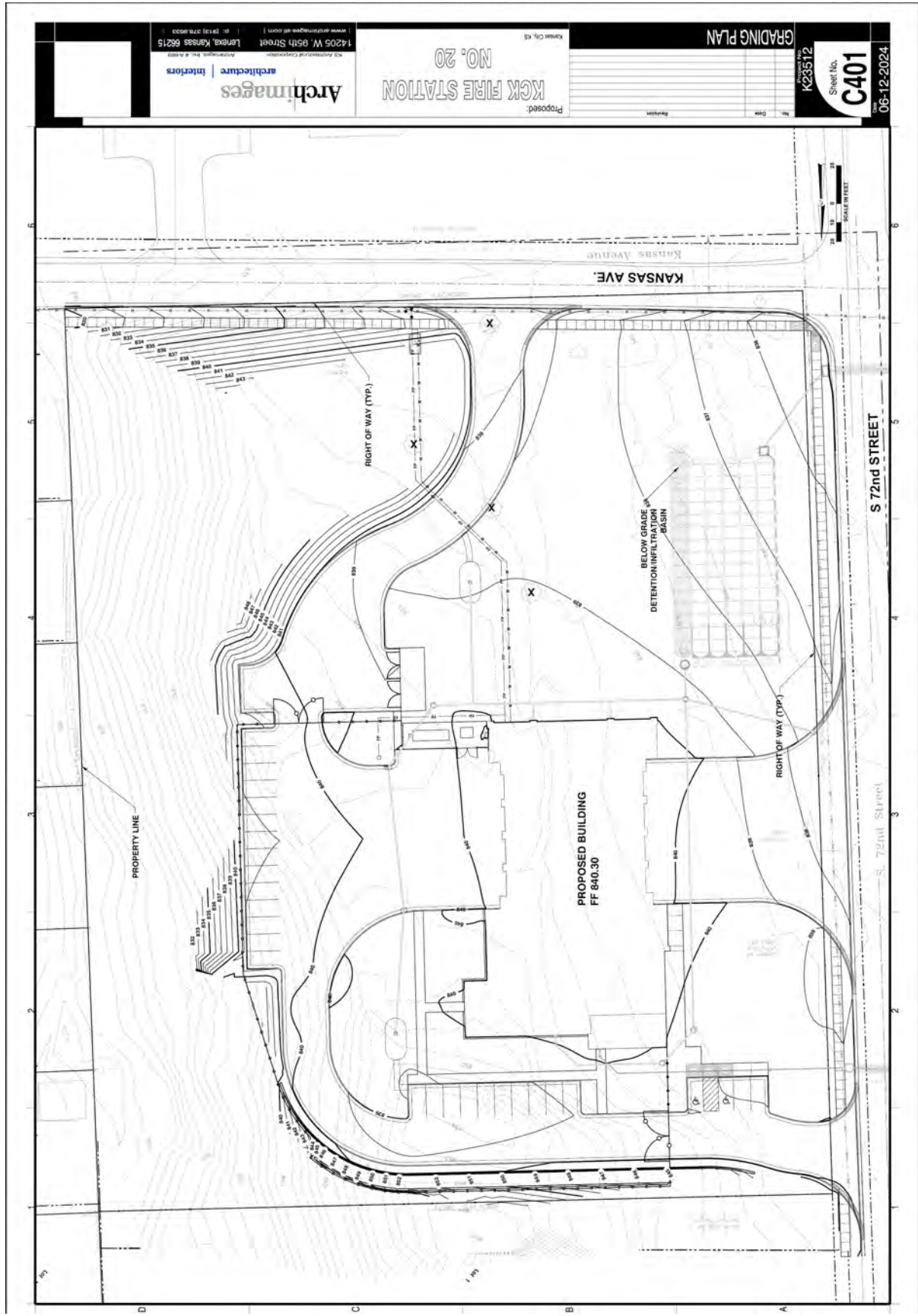


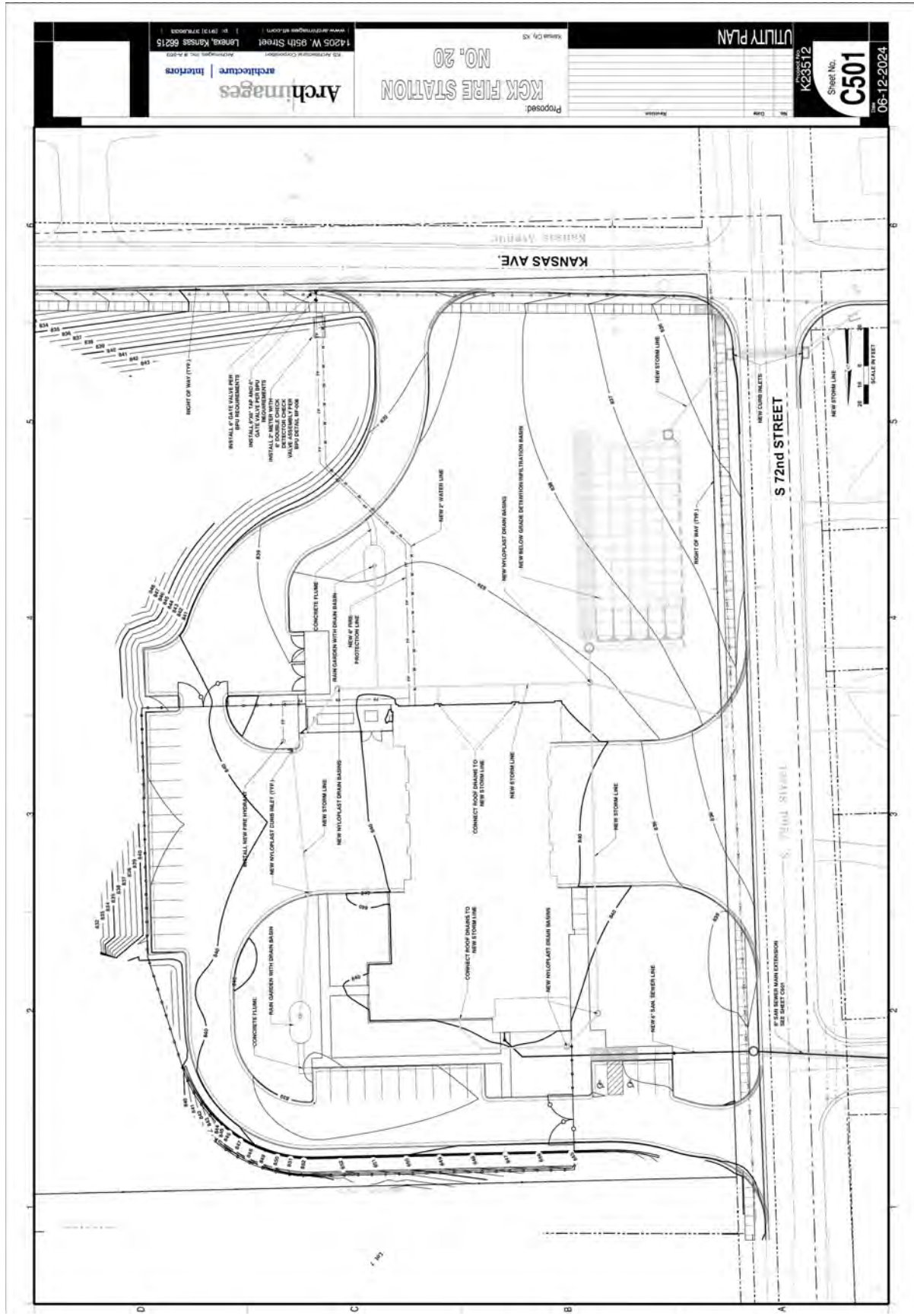
Notary Public

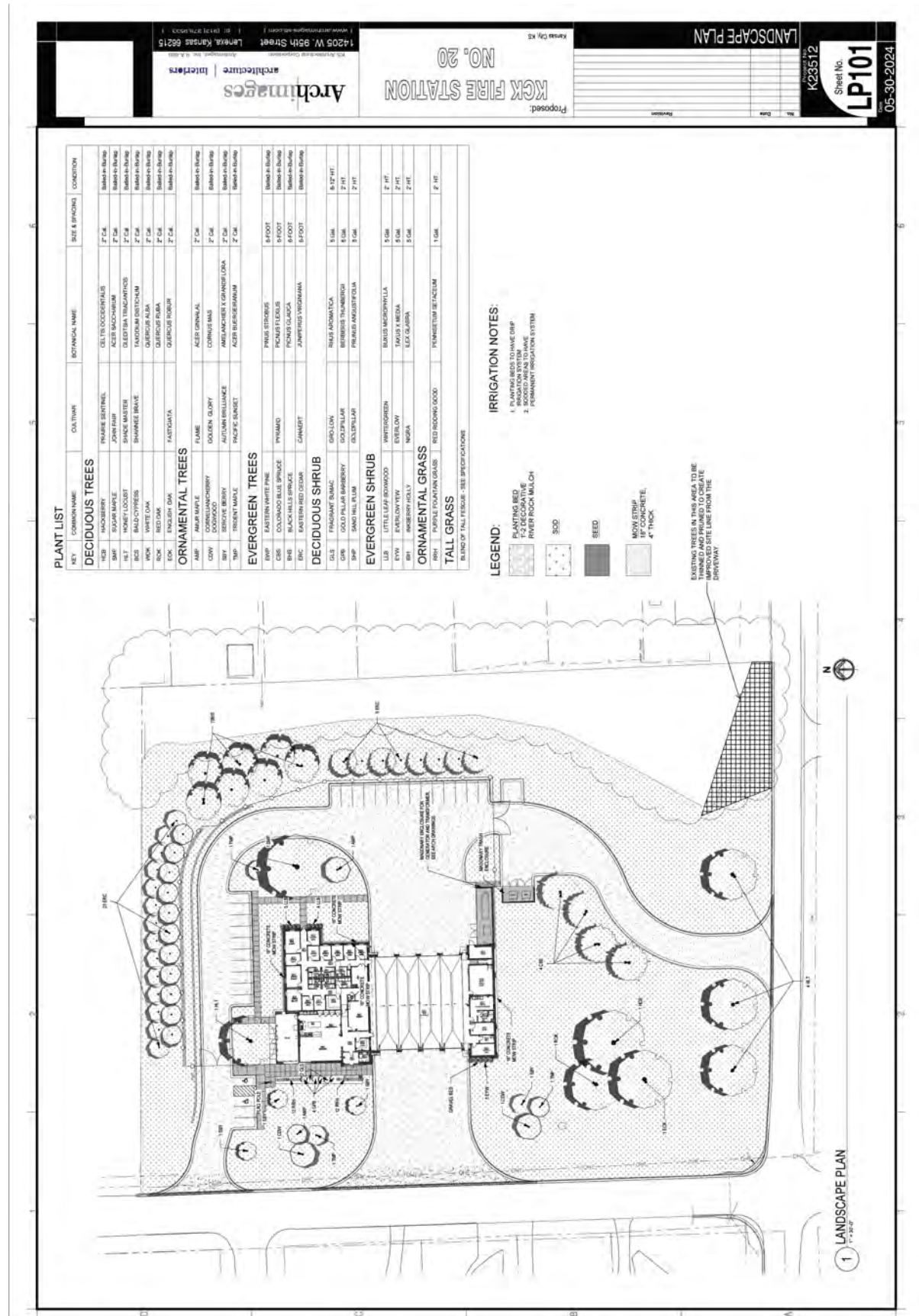


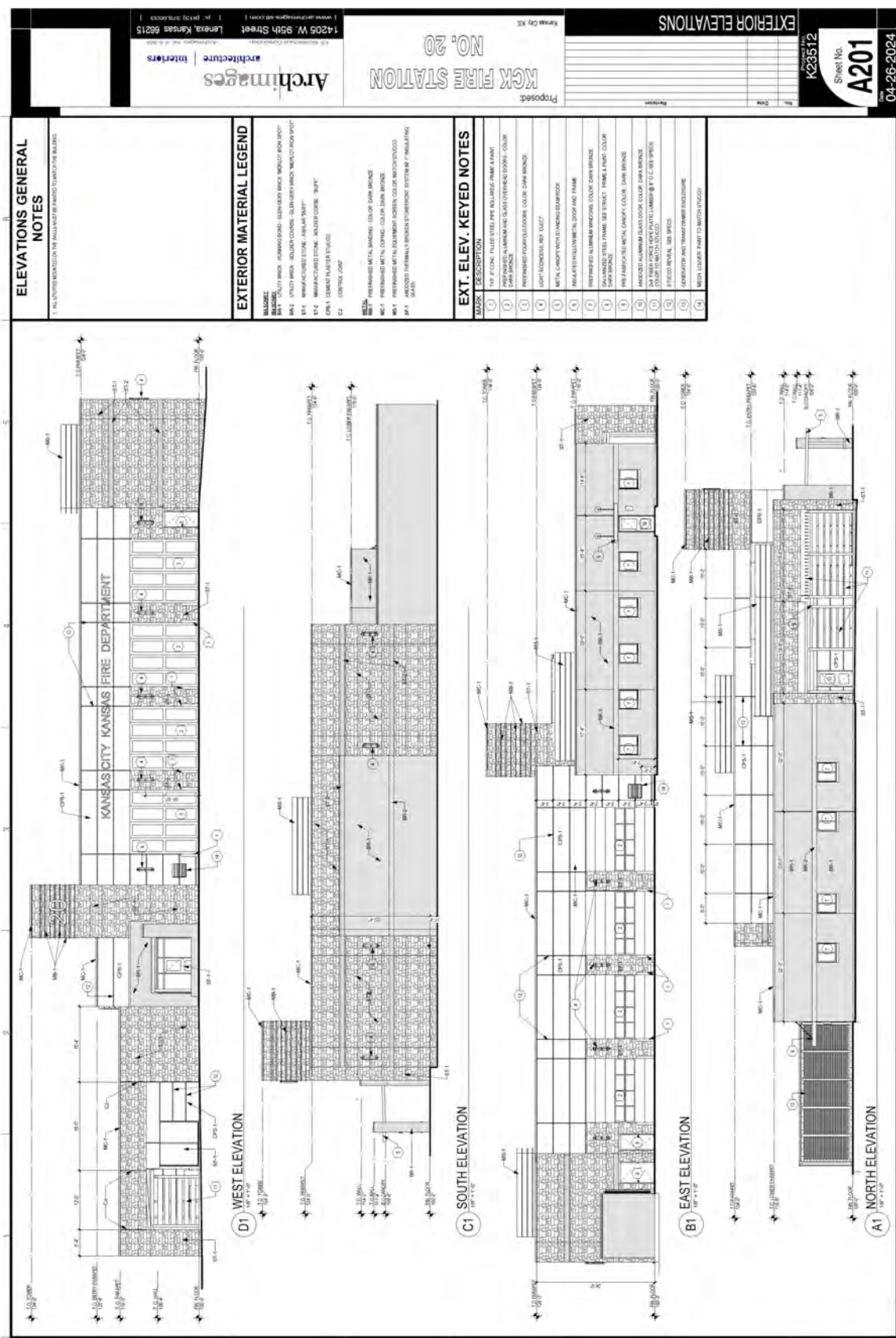












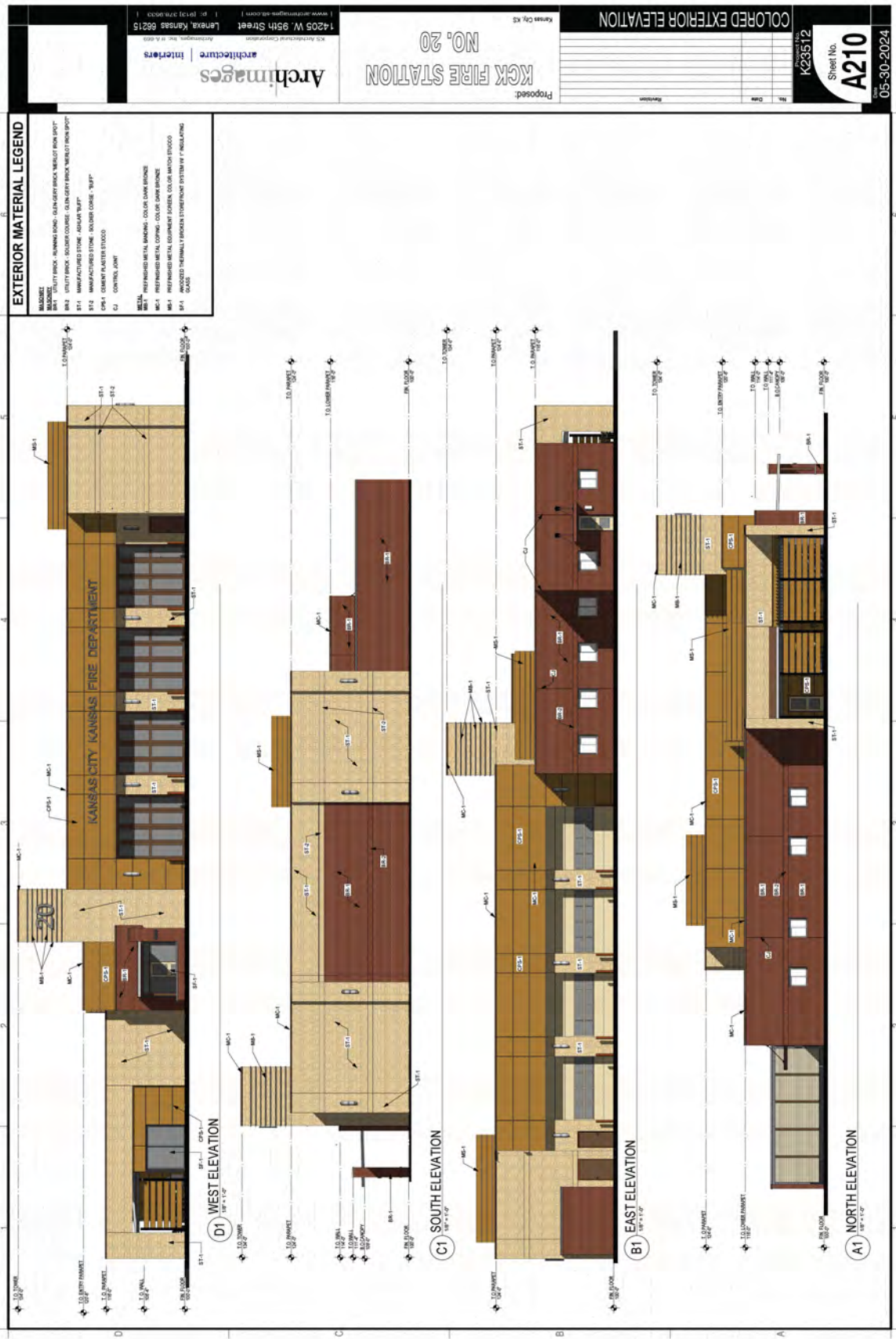






Figure 1. Site Photograph of 521 South 72nd Street looking northeast from Kansas Avenue (provided by Planning Staff).



Figure 2. Site Photograph of 521 South 72nd Street looking north from South 72nd Street (provided by Planning Staff).



Figure 3. Site Photograph of 521 South 72nd Street looking east from South 72nd Street (provided by Planning Staff).



Figure 4. Site Photograph of 521 South 72nd Street looking southeast from South 72nd Street (provided by Planning Staff).

(First published _____)

COZ2023-035

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1625 South 86th Street, in Kansas City, Kansas, by changing the same from its present zoning of MP-1 Planned Light Industrial and Industrial Park District to MP-2 Planned General Industrial District.

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

Section 1. It is hereby found and determined that a petition was filed on August 26, 2022, by the owners of property to have the zoning of said property changed from its present zoning of MP-1 Planned Light Industrial and Industrial Park District to MP-2 Planned General Industrial 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:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29; THENCE SOUTH 1,523.81 FEET ALONG THE WEST LINE OF SAID SECTION 29; THENCE EAST 230.0 FEET TO THE TRUE POINT OF BEGINNING, THENCE EAST 1,083.73 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE SOUTH 877.69 FEET, ALONG SAID EAST LINE, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF K-32 HIGHWAY, AS NOW ESTABLISHED; THENCE SOUTH 59 DEGREES, 44 MINUTES, 37 SECONDS WEST, 454.50 FEET, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, TO A POINT ON THE

SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE WEST 695.0 FEET ALONG SAID SOUTH LINE TO A POINT 230.0 FEET EAST OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE NORTH 1,106.69 FEET ALONG A LINE 230.0 FEET EAST AND PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 29, TO THE TRUE POINT OF BEGINNING, CONTAINING 1,156.976 SQUARE FEET OR 26.56 ACRES MORE OR LESS, LOCATED AT APPROXIMATELY 1625 SOUTH 86TH STREET, KANSAS CITY, KANSAS,

be changed from its present zoning of MP-1 Planned Light Industrial and Industrial Park District to MP-2 Planned General Industrial District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-469, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for MP-2 Planned General Industrial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2024.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2024-018

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4110 North 55th 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 May 24, 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:

9174, S23, T10, R24, ACRES 13.15, BEG 450FT N & 16FT W OF NE COR SW1/4 SE1/4; W 384.2FT, N 669.GFT, W 415FT, S 1119.6FT, E NEARMAN DR, NELY-107FT M/L, N44W-30FT, N46E-80FT, N77E-58.69FT, NELY-250FT M / L, N 134FT M/L TO POB CONTG 13.02AC M/L, located at approximately 4110 North 55th 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

(Published _____)

SP2023-117

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-117, commonly known as 1625 South 86th Street, Kansas City, Kansas, legally described as:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29; THENCE SOUTH 1,523.81 FEET ALONG THE WEST LINE OF SAID SECTION 29; THENCE EAST 230.0 FEET TO THE TRUE POINT OF BEGINNING, THENCE EAST 1,083.73 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE SOUTH 877.69 FEET, ALONG SAID EAST LINE, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF K-32 HIGHWAY, AS NOW ESTABLISHED; THENCE SOUTH 59 DEGREES, 44 MINUTES, 37 SECONDS WEST, 454.50 FEET, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE WEST 695.0 FEET ALONG SAID SOUTH LINE TO A POINT 230.0 FEET EAST OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE NORTH 1,106.69 FEET ALONG A LINE 230.0 FEET EAST AND PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 29, TO THE TRUE POINT OF BEGINNING, CONTAINING 1,156.976 SQUARE FEET OR 26.56 ACRES MORE OR LESS, LOCATED AT APPROXIMATELY 1625 SOUTH 86TH STREET, KANSAS CITY, KANSAS.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of on-site grading and dirt removal.

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. **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.

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 _____)

SP2024-009

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 SP2024-009, commonly known as 1120 North 8th Street, Kansas City, Kansas, legally described as:

B107 LI TO L6, IOFTVAC ST ADJ ON N, 1 OFT VAC ADJ ST ON E & 20FT VAC ST ADJ ON S LS: BEG SW COR; N 5FT, S45E-7.07FT, W, located at approximately 1120 North 8th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for the Temporary Use of Land to keep an office trailer on the property while the existing structure undergoes renovation.

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 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.

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 _____)

SP2024-035

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 SP2024-035, commonly known as 2504 West 47th Street, Kansas City, Kansas, legally described as:

BELINDER PLACE, S34, T11, R25, ACRES 0.13, B2 L63, located at approximately 2504 West 47th Avenue, Kansas City, Kansas.

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

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 _____)

SP2024-036

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 SP2024-036, commonly known as 8535 Riverview Avenue Kansas City, Kansas, legally described as:

Section 17, Township 11, Range 24, the North 146.67 feet of the West 297 feet; Northwesternly $\frac{1}{4}$, less the North 30 feet and West 30 feet containing 0.72 acre, more or less, located at approximately 8535 Riverview Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to continue to operate a training facility for excavating and pipeline operations for Kansas Gas Service.

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. **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.

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 _____)

SP2024-037

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 SP2024-037, commonly known as 600 Washington Boulevard and 1308 North 6th Street, Kansas City, Kansas, legally described as:

600 Washington Blvd. Kansas City, KS 66101: B89 E 3FT OF W 20FT L54, S 88FT OF E 5FT L54, S 88FT L55 TO L56

1308 North 6th St. Kansas City, KS 66101: B89 N 35FT OF E 5FT L54, N 35FT L55 TO L56

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to host small-scale events at a privately operated park.

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. **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; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2024-038

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 SP2024-038, commonly known as 919 South 26th Street, Kansas City, Kansas, legally described as:

A REPLAT OF LOTS 9 THRU 19, MULVANE'S ADDITION TO ARGENTINE AND LOTS 5 THRU 24, LOTS 46 THRU 61, LOTS 70 THRU 90, LOTS 91 THRU 100 AND A PART OF LOT C AND ALL OF LOT D, HOME BUILDING AND INVESTMENT COMPANY'S ADDITION ALL IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 919 South 26th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a truck repair shop and parking.

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. 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 27-575(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.

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 _____)

SP2024-039

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 SP2024-039, commonly known as 49 South 64th Street, Kansas City, Kansas, legally described as:

RICHLAND & 0184, S15, T11, R24, ACRES 0.27, PT L139: LOT SPLIT: PARCEL A, located at approximately 49 South 64th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit to make bath products.

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. **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.

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 _____)

SP2024-041

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 SP2024-041, commonly known as 9801 Parallel Parkway, Kansas City, Kansas, legally described as:

All that part of Lot 3, Legends Auto Plaza, Second Plat, a subdivision in Kansas City, Wyandotte County, Kansas; lying in the Fractional Northwest Quarter of Section 1, Township 11 South, Range 23 East, described as follows:
BEGINNING at the Southwest corner of Lot 3, Legends Auto Plaza, Second Plat, a subdivision in Kansas City, Wyandotte County, Kansas; thence North 00 degrees 00 minutes 50 seconds West, on the West line of said Lot 3, a distance of 193.00 feet to a point; thence North 89 degrees 59 minutes 10 seconds East, departing said West line, a distance of 246.62 feet to a point; thence North 83 degrees 56 minutes 54 seconds East a distance of 16.60 feet to a point on the East line of said Lot 3, said point also lying on a non-tangent curve; thence in a Southerly direction, on said East line and on a curve to the left whose initial tangent bears South 06 degrees 03 minutes 06 seconds East, having a radius of 5804.58 feet, an arc distance of 217.80 feet, through a central angle of 2 degrees 09 minutes 00 seconds, to the Southeast corner of said Lot 3, said corner also lying on a non-tangent line; thence South 81 degrees 30 minutes 09 seconds West, on the South line of said Lot 3, a distance of 0.08 feet to a point of curvature; thence in a Westerly direction, continuing on said South line and on a curve to the right, having a radius of 220.00 feet, through a central angle of 17 degrees 18 minutes 38 seconds, an arc distance of 66.47 feet to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, continuing on said South line, a distance of 138.78 feet to a point of curvature; thence in a Westerly direction, continuing on said South line and on a curve to the left,

having a radius of 280.00 feet, through a central angle of 17 degrees 48 minutes 27 seconds, an arc distance of 87.02 feet to the POINT OF BEGINNING, containing 55,754 Square Feet or 1.2799 Acres, more or less, located at approximately 9801 Parallel Parkway, Kansas City, Kansas.

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

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 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.

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



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: August 29, 2024

Re: Special Use Permit Petition SP2024-027

GENERAL INFORMATION

Applicant Information:

Katelyn Wolf
Bartlett & West
10895 Grandview Drive
Overland Park, KS 66210

Subject Property:

6601 Inland Drive
Kansas City, KS 66106

Requested Action and Purpose:

Approval of Special Use Permit to process and recycle construction material (e.g., concrete, brick and other rock materials).

Commission Districts:

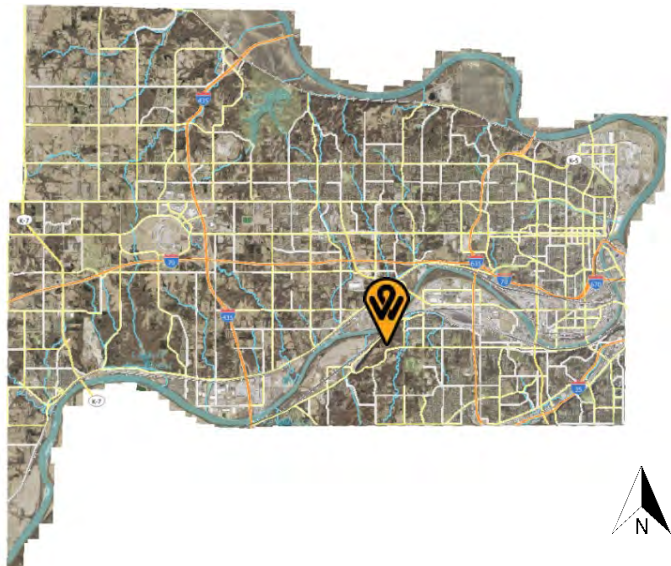
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Philip Lopez

Existing Zoning District(s):

R-1 Single Family District

Comprehensive Plan Area

PlanKCK



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Undeveloped land
South	R-1 Single Family District	Undeveloped land
East	R-1 Single Family District	Undeveloped land
West	MP-3 Planned Heavy Industrial District	Industrial laydown yards

Total Tract Size: 94.75 Acres

Comprehensive Plan Area: PlanKCK

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Rural Residential, which allows agricultural, ranches, large-lot single-family detached residences, and passive parks and open space.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Holiday Drive/Inland Drive as a Major Collector.

Parking Requirement: Section 27-454(e) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport.

Sec. 27-668(b) Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission. Three (3) parking spaces are provided.

Landscaping Requirement: Section 27-700(a) 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. 590 trees are required. Staff cannot determine how many trees are on the property.

Advertisement: The Wyandotte Echo – May 16, 2024
Letters to Property Owners – May 17, 2024 and July 5, 2024

Public Hearings: June 10, 2024, June 27, 2024, August 12, 2024 and August 29, 2024.

Public Support:	Staff received one (1) letter of support.
Public Opposition:	There were three (3) people that appeared in opposition at the June 10, 2024, and August 12, 2024, City Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Katelyn Wolf, on behalf of the property owner, Cold Start Properties, is requesting a Special Use Permit to process and recycle construction materials (concrete, asphalt, block, brick) on 25 Acres at 6601 Inland Drive.

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. 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 Morris Statistical Group and Block Group #0438021. The neighborhood consists of industrial laydown yards to the west and undeveloped, heavily wooded parcels to the north, east and south. Holiday Drive/Inland Drive is the major street that connects the Turner area on the south side of the Kansas River abutting the BNSF Railway. Providing utility services, specifically, sanitary sewer is difficult in this area due to topography

and the large areas of undermined land (formerly the Inland Mine) that make development difficult.

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 heavy industrial zoning to the west along Inland Drive and single-family zoning to the north, east and south. The proposed use, which is industrial in nature, is not compatible with nearby uses because the property is residentially zoned, specifically R-1 Single Family District.

However, for context, this parcel and the majority of the area to the north, south and east are undermined, formerly part of the Inland Mine. Due to the fact that the area is undermined and topography, utility services are difficult to attain hampering development and limiting residential density

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 not suitable for the uses to which it has been restricted because the property is undermined. Planning Staff does not know the severity of the mine's depth, but allowing any uses that is not passive in nature is not suitable. The removal of restrictions will detrimentally affect nearby property if hours of operation are not adhered to, the road is kept clear of dirt and debris, and trucks are wetted daily to minimize dust.

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

The property is vacant. The property has been vacant since at least 2001 when the substation was removed.

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

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. Rural Residential allows agricultural, ranches, large-lot single-family detached residences, and passive parks and open space. The proposed use does not conform to the PlanKCK Comprehensive Plan land use designation because the use is not agricultural or large-lot single-family residential. A Special Use Permit is required.

Again, it is unrealistic to expect large-lot, single-family homes or a large-lot subdivision to be developed on undermined parcels. Agricultural uses, such as livestock grazing or parkland is suitable for the property, which poses minimal restrict to structures or equipment on site.

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 Holiday Drive or Inland Drive, both Major Collectors to accommodate it if managed properly. All truck traffic will enter the site via Inland Drive to Holliday Drive from the south rather than through the residential neighborhood along Metropolitan to the north and east.

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 the processed and recycled construction material can be reused in other applications, which can keep construction costs lower than they might otherwise be. The proposed use will not affect the use, quality, or marketability of nearby property once the site is properly mitigated following the completion of the Special Use Permit and brought back to its original condition.

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, dust and vibration are expected to occur in durations or intensities as to create issues with nearby properties, primarily along South 65th Street. These are not expected to create problems for nearby property, however if, rumble strips to knock down dirt and debris, trucks are watered down daily, the construction materials are also watered down to minimize dust, hours of operation are strictly adhered to in order to minimize noise and vibration.

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

The proposed use will not pollute the air, land or water provided the proper erosion control measures are followed for stockpile of materials and during the hours of operation, and those stockpiles are watered down to minimize dust affecting the overall air quality.

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 the area that is being developed as the construction material recycling plant is the only portion for site that is relatively flat and accessible without needing to clear acres of land. The existing tree stands to the south and west are to remain undisturbed.

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

There is some public gain from this operation due to the processing of construction material, which can be used in other construction applications. If denied, the property owner may not use the property for the processing and recycling of construction materials, however, they can still use the property per the R-1 Single Family District regulations.

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.*

The proposed use is not expected to result in the overcrowding or land or undue concentrations of population because the site development is on 25 acres of a 94-acre site.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Microsoft Teams on May 22, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Dust and Noise Mitigation
Site Remediation
Restricting Access of Holiday Drive
Truck Traffic
Completion Timeline

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 3 to uphold its previous decision and recommends **APPROVAL** of Special Use Permit Application SP2024-027, **for two (2) years**, subject to:

1. 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 Holliday Drive;
2. Upon completion of processing and recycling of construction materials, the site shall be brought to finished grade and restored to pre-Special Use Permit condition;
3. Hours of operation shall be from Monday through Friday, 7:00 AM to 5:00 PM, but only on an “as-needed” basis based on active demolition contracts. (There will be days/weeks when crushing operation is not happening);
4. In order to begin site work and operation, barricades must be removed from Holiday Drive (North) until the street is officially vacated by a plat or vacation application;
5. Preserve the existing tree stands west and south of the proposed development site;
6. Gravel driveways, loading and maneuvering areas are not permitted. Driveways must be concrete or asphalt, whereas the areas for stockpile of materials may be asphalt millings unless a waiver from the County Engineer for aggregate driveways is provided;
7. Keep the ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property;
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 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;
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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Applicant shall comply with Planning Engineering Comments for General

- Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. 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. Subject to approval, the Special Use Permit shall be valid for (2) year(s) 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. 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

UPDATE – August 29, 2024:

The Unified Government Board of Commissioners referred this petition back to the City Planning Commission at their June 27, 2024 meeting for the applicant and/or property owner to provide additional clarification regarding the Board of Public Utilities (BPU) accessing the property for their truck vehicles. At the August 12, 2024, meeting the Applicant stated that BPU is not part of the proposed project. The BPU trucks drive on a portion of the Applicant's property to access the location where they are working. Applicant stated this has occurred for numerous years (including prior to the Applicant owning the property).

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 **SP2024-027** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
June 10, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Inland Mine Boundary Map
Applicant Narrative Letter
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Truck Routing Plan
Letter of Support from USC Technologies
Site Photographs provided by the Applicant.
Site Photographs provided by Staff taken on May 16, 2024.

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	June 10, 2024 - Approval	June 27, 2024 (Referred back to CPC)
	August 12, 2024 - Approval	August 29, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-027** 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 **SP2024-027**, 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.

August 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:50:50:

SPECIAL USE PERMIT APPLICATION SP2024-027 – KATELYN WOLF WITH BARTLETT + WEST - SYNOPSIS: Special Use Permit for the processing and recycling of concrete, brick and other rock materials at 6601 Inland Drive. **Detailed Outline of Requested Action:** The applicant, Katelyn Wolf, on behalf of the property owner, Cold Start Properties, is requesting a Special Use Permit to process and recycle construction materials (concrete, asphalt, block, brick) on 25 Acres at 6601 Inland Drive.

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 August 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker stated that the Unified Government Board of Commissioners referred this petition back to the City Planning Commission at their June 27, 2024 meeting for the applicant and/or property owner to provide additional clarification regarding the Board of Public Utilities (BPU) accessing the property for their truck vehicles. The Planning Commission previously recommended approval of this application with conditions.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Commissioner Ernst and Commissioner Beth stated that they have been contacted by members of the community.

Present in Support Starts at Recording 2 - .15:

- Casey Colbert, representing the applicant, Bartlett + West, 544 Columbia Drive, Lawrence, Kansas
- Roger Gage, Regional Manager of Spirits Worldwide

Commissioner Ernst asked why the address was changed from Holliday Drive to Inland Drive. Staff clarified that it was submitted as Inland Drive and that is what has been used. Commissioner Ernst directed questions to the Applicant.

Commission members directed additional questions to the Applicant.

Present in Opposition:

- Thomas Crafton, 6205 Holliday Drive, Kansas City, Kansas 66106
- Stephanie Burch, 2100 South 59th Street, Kansas City, Kansas 66106
- Erin Shivey, 3101 South 54th Street, Kansas City, Kansas

Commission members directed additional questions to the Applicant.

Staff Recommendation starts at Recording 2 - .27:43: Planner Toy stated that this application was referred back to the City Planning Commission to discuss the BPU trucks issue. Public testimony was heard in June and staff's comments and recommendation has not changed. This is the first step in a long process for this use. Subsequently they will need the proper local, state and federal permits before they can begin operation. Planner Toy stated that he would like to clarify cutting down trees

comment. Trees can be cut down without a permit but when the stump is removed, a land disturbance permit is required through the Public Works Department. Staff recommends approval subject to the conditions in the staff report.

Chairman Carson stated that if BPU does not have anything to do with this operation why was it referred back to the Planning Commission. Planner Molloy stated that at the Board of Commissioners meeting, someone brought up the issue of the BPU trucks.

The Planning Commission directed questions to Staff.

Chairman Carson asked Secretary Parker if she could provide any further clarification as to why this application was returned to the Planning Commission. Ms. Parker stated that she was at the Board of Commissioners meeting for the hearing on this application. Those in opposition commented on the BPU trucks driving on the property. The Commissioners wanted clarification as to whether the BPU trucks were part of this operation and if they were driving on the property owned by the property owner. Mr. Crafton stated that the BPU trucks are not part of this operation, but they are driving on the property he owns to get to the area where they are working. Legal Counsel Farley stated that the Commission can act on this application and when it goes before the Board of Commissioners, Legal Department is aware of the issues and can research and address them. Secretary Parker stated that this application was referred back to the Commission for one issue and that was to determine if the BPU trucks are part of this operation and if they are driving on the property owned by the property owner. She stated that both questions have been answered. The Commission can uphold its previous motion of approval with conditions or deny the application stating the reasons for the reversal of their decision.

Motion starts at Recording 2 - 39:15:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to uphold its previous recommendation of **APPROVAL of Special Use Permit Application SP2024-027 for two (2) years:**

Carson	Chairman
Ernst	No
Jones	Aye
Miller	Aye
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	No
Armstrong	Aye
Beth	No
Easterwood	Not Present

Motion to recommend APPROVAL Passed: 5 to 3

Subject to:

1. 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 Holliday Drive;
2. Upon completion of processing and recycling of construction materials, the site shall be brought to finished grade and restored to pre-Special Use Permit condition;
3. Hours of operation shall be from Monday through Friday, 7:00 AM to 5:00 PM, but only on an “as-needed” basis based on active demolition contracts. (There will be days/weeks when crushing operation is not happening);
4. In order to begin site work and operation, barricades must be removed from Holiday Drive (North) until the street is officially vacated by a plat or vacation application;
5. Preserve the existing tree stands west and south of the proposed development site;
6. Gravel driveways, loading and maneuvering areas are not permitted. Driveways must be concrete or asphalt, whereas the areas for stockpile of materials may be asphalt millings unless a waiver from the County Engineer for aggregate driveways is provided;
7. Keep the ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property;
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 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;
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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. 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. Subject to approval, the Special Use Permit shall be valid for (2) year(s) 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. 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.

June 10, 2024, City Planning Commission Minutes:

Hearing starts at 1:11:55:

SPECIAL USE PERMIT APPLICATION SP2024-027 – KATELYN WOLF WITH BARTLETT + WEST - SYNOPSIS: Special Use Permit for the processing and recycling of concrete, brick, and other rock materials at 6601 Inland Drive. Detailed Outline of Requested Action: The applicant, Katelyn Wolf, on behalf of the property owner, Cold Start Properties, is requesting a Special Use Permit to process and recycle construction materials (concrete, asphalt, block, brick) on 25 Acres at 6601 Inland Drive.

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 June 10, 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:

- Katelyn Wolf, applicant, Bartlett + West, 10895 Grandview Drive, Overland Park, Kansas
- Roger Gagliano

Present in Opposition:

- Harley Heflin, 1521 South 45th Street, Kansas City, Kansas 66106
- Joshua Bond, (former resident as his property was taken in the sale of the property)
- Christina Corcoran, (former resident) 2200 South 55th Street, Kansas City, Kansas 66106

Legal Counsel Conway stated that they would need to hire an attorney or seek legal aid regarding the issue of being removed from their home.

Mr. Gagliano responded to the questions by those in opposition.

Planning Commissioner Ernst directed questions to Mr. Gagliano about Holiday Drive.

Planning Commissioner Ward directed questions to Mr. Gagliano regarding the dust.

Staff Recommendation starts at 1:40:43: Lead Planner Toy addressed the original question about the golf course; it was cited southeast of this location. It was north of the animal testing facility and south of the publicly driven Holiday Drive before the collapse. This property is north of the northern leg of Holiday Drive. There are two (2) Holliday Drives. The Holiday Drive on the north side has no direct access to Holiday Drive as you exit on Inland going west. It only has access from essentially 63rd Street. Applicant is proposing is to come off Inland Drive and go south by American Concrete, go back up Holiday Drive to the east and then north bypassing what was the previous collapsed Holliday Drive to the south. That is how the Applicant is proposing they are going to access their site. No truck traffic will come east across those residences; they will come off Inland Drive. Staff would like to amend Condition #3 in the staff report to help with the noise issue, and change the days of operation to Monday through Friday from 7:00 a.m. to 5:00 p.m. This will ensure that there are no business activities taking place on the weekend. Staff recommends approval for two (2) years subject to the revised conditions.

Motion starts at 1:42:40:

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-027 for two (2) years:**

Carson	Chairman
Armstrong	Not Present
Beth	Aye
Easterwood	Not Present
Ernst	No
Jones	Aye
Miller	Aye
Mohler	Aye
Schwartz	Not Present
Straws	Aye
Ward	Aye

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

- 1. 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 Holliday Drive;**
- 2. Upon completion of processing and recycling of construction materials, the site shall be brought to finished grade and restored to pre-Special Use Permit condition;**
- 3. Hours of operation shall be from Monday through Friday, 7:00 AM to 5:00 PM, but only on an “as-needed” basis based on active demolition contracts. (There will be days/weeks when crushing operation is not happening);**
- 4. In order to begin site work and operation, barricades must be removed from Holiday Drive (North) until the street is officially vacated by a plat or vacation application;**

5. Preserve the existing tree stands west and south of the proposed development site;
6. Gravel driveways, loading and maneuvering areas are not permitted. Driveways must be concrete or asphalt, whereas the areas for stockpile of materials may be asphalt millings unless a waiver from the County Engineer for aggregate driveways is provided;
7. Keep the ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property;
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 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;
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12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
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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. Subject to approval, the Special Use Permit shall be valid for (2) year(s) 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. 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

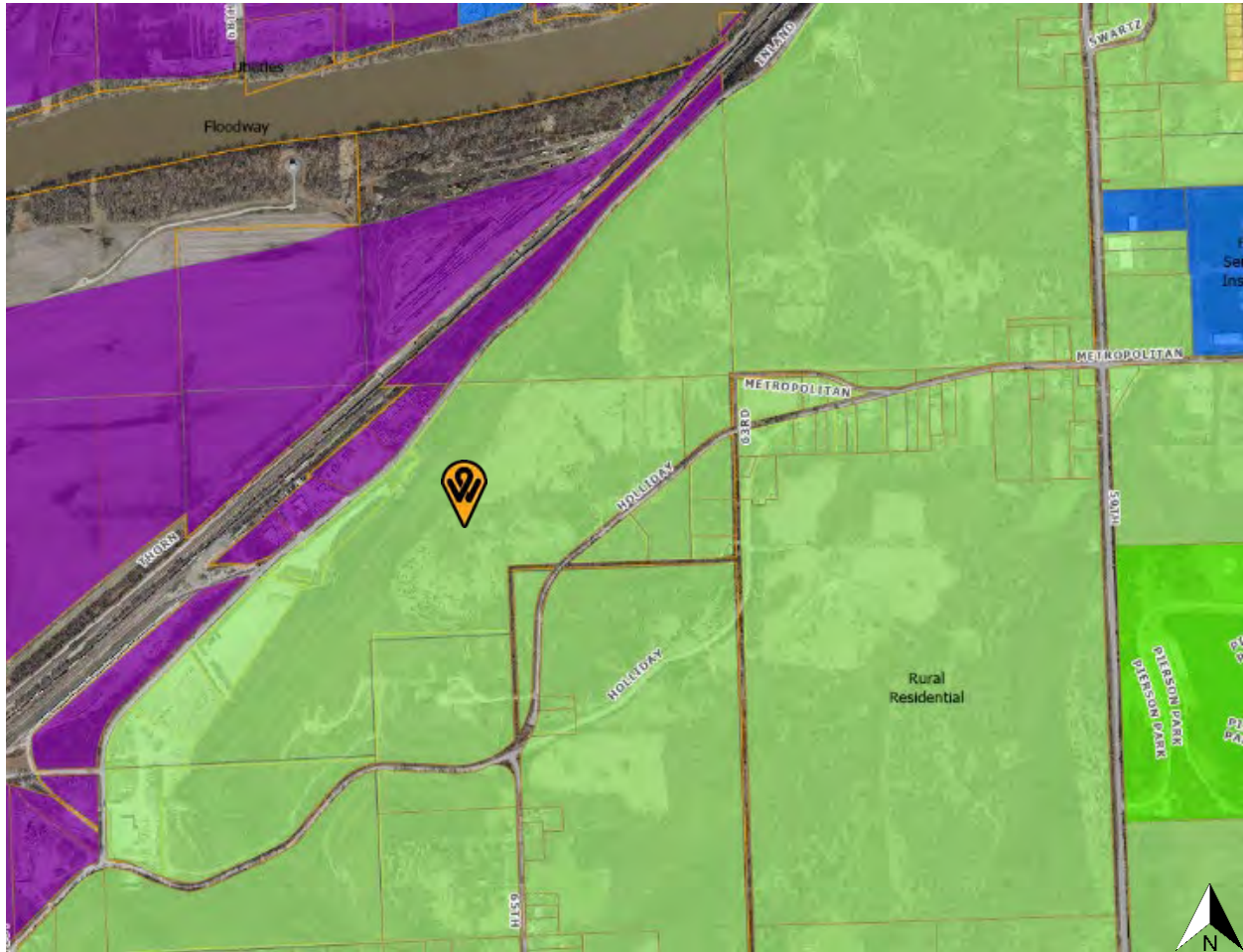
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



[illegible]

Attachment A - Narrative for SUP Application:

Background and Overview of Property:

Cold Start Properties currently owns greater than 1000 acres of land above an existing closed underground limestone mine within the Unified Government District (the former Americold/Inland undermined properties in the Turner area). See Exhibit 1 for property ownership map. This mine had been in operation for many years for limestone extraction and underground cold storage operations but has been closed for over twenty years. See Exhibit 2 for underground mine footprint. The surface level of this property is partial cleared and partially vegetated, and can be accessed via a private, gated drive off of Holliday Drive. See Exhibit 3 for site photos.

Additionally, the underground Inland mine is currently utilized by the Kansas City Board of Public Utilities ("BPU"), for Flue-Gas Desulfurization ash material placement (FGD Ash), from its Nearman Creek Power Plant. CSP and BPU are in current negotiations for a ten (10-year) agreement for FGD Ash placement underground. BPU utilizes USC Technologies, LLC for FGD Ash surface bore hole drilling and ash pumping, surface roadway development and underground placement & berm containment. Placement underground is authorized via a beneficial use and operating agreement with the Kansas Department of Health and Environment (KDHE).

Proposed Special Use on the Property:

Cold Start Properties, LLC is requesting a special use permit for material recycling and related storage on approximately 25 acres of land that is currently zoned R-1 Single Family Residential.

Broken concrete, block/brick and asphalt pavement will be trucked to the site from various contractor demolition projects in the Kansas City area. This "raw" aggregate material will be fed into a low-profile, modern and portable aggregate crushing plant. Raw recycle material will be loaded into the portable crushing plant via a front-end loader, and the "finished" recycle aggregate material will be conveyed to a surface stockpile. Thereafter, the finished recycled aggregate will be loaded into trucks for delivery and beneficial re-use on area construction projects. The Material Recycle yard will be operated as a contractor facility and not open to the general public.

In addition to the raw material stockpile areas, finished material stockpile areas, and the portable aggregate crusher, there will also be a job-site office trailer, portable toilet, truck scale, equipment parking for loaders, dozers and service trucks, along with fuel storage for the fuel to operate the machines and vehicles. The plans submitted with this SUP show proposed layout of these items.

It is projected that 10 – 30 trucks per day will be entering and leaving the Material Recycle site, on a normal operating basis (Monday – Saturday). As a contractor use facility, it is dependent on construction job status and expected that many days will have no trucking activities.

Truck traffic routing will be directed from Inland Drive, east to Holliday Drive, and entering the Material Recycle Yard at a newly constructed and gated site entrance, at approximately S. 65th Street. This routing will avoid area residents living off of Holliday Drive near S. 59th St. Currently, the truck travel route hauling FGD ash from the Nearman power plant enter the property from the east, past current residential housing. This routing will be eliminated, benefiting area neighbors. See Exhibit 4 for traffic routing map.

Impact of Granting Special Use Permit:

Although the parcel is zoned R-1, the proposed new Material Recycle Yard is located within the confines of Cold Start Properties land ownership and is compatible with surrounding uses in the general area. The proposed Material Recycle Yard is largely surrounded by open private property, well secured by tree lines and vegetation, and inaccessible to the general public. There is minimal residential housing in the area, with the closest residence approximately 1,000 feet from the proposed Material Recycle Yard.

The presence of a Material Recycle yard is of economic benefit to the Unified Government and its citizens because new commercial development is so dependent upon a readily available supply of economical recycled and new-mined crushed stone. Having to transport crushed stone for any significant distance dramatically increases its cost. Availability of local recycled aggregate materials provides a valuable benefit and reduces construction costs.

Engineering Comments:

- 1) Clarify the intended length of time that the rock processing yard is to stay in operation.
 - a. Applicant Response: Cold Start Properties projects that the material recycling yard will be in operation for at least 10 years, which is consistent with the length of time that BPU is in agreement negotiations with Cold Start to have access to keep filling flyash into the mines. CSP is agreeable to subsequent two (2) year Special Use Permit application renewals, with approval conditioned upon continued compliance with the terms and conditions of the Special Use Permit.
 - 2) Site plan lists 11,825 SF of proposed temporary buildings. Clarify what buildings are being referred to.
 - a. Applicant Response: This was a mistype on the plan. It is actually ~1,185 SF for the job trailer/office and porta-potty. Plans have been updated accordingly.
 - 3) The UG does not have record of northern portion of Holliday Drive vacation. Provide documentation of UG approval of Holliday Drive vacation or apply for vacation to privatize.
 - a. Applicant Response: Client will begin the vacation application process, to officially vacate this street that has been considered as abandoned by public works for many years already. Although the client will begin this process ASAP, they are requesting that this does not hold up the SUP approval or the ability to start on site work while the vacation application makes it through the surveying/planning/filing process.
 - 4) Drive entrances within the right of way shall conform to the UG Technical Provisions specifications. See UG detail i.e. UG 4100-G. Appropriate permits shall be acquired from Public Works department prior to construction.
 - a. Applicant Response: Acknowledged – note has been added on plan sheet for drive entrance to meet UG 4100-G.
 - 5) If northern Holliday Drive entrance at intersection of 65th Street is reconstructed, it shall align with 65th Street per UG standard details.
 - a. Applicant Response: Acknowledged – note has been added on plan to identify alignment with 65th Street.
 - 6) Provide dust mitigation plan for trucks leaving the site.
 - a. Applicant Response: Cold Start Properties will employ industry recognized dust mitigation measures for trucks leaving the site, including truck rumble strips/mats along with water sprays for effective dust control
 - 7) Provide a copy of approved Notice of Intent from the KDHE.
 - a. Applicant Response: NOI has been submitted, but not approved yet. We will send a copy of the approved NOI when we receive it.
 - 8) Provide SWPPP (Stormwater Pollution Prevention Plan) and Stormwater Drainage Study sealed and signed by licensed Kansas Engineer
 - a. Applicant Response: SWPPP will be part of this resubmittal. Upon discussion with Jordan Stephans on 5/16 - we explained that the 11,825 SF of building was a typo, error and it is actually just 1,825 SF which is negligible on a 94 acre site, therefore a stormwater drainage study is not needed, and our previously submitted stormwater memo is sufficient.
-

- 9) A Land Disturbance Permit will be required for this use before work can begin. LDP can be applied or using the following application and sent to EDR@wycokck.org. (Land Disturbance Permit Application)
 - a. Applicant Response: Acknowledged – LDP will be applied for after receiving NOI from KDHE
- 10) Proposed construction on site will require a Site Improvement permit from the Building Inspections department. Site permit can be applied for using the following application and sent to EDR@wycokck.org. (DRC Building Permit Application)
 - a. Applicant Response: Acknowledged – Site Permit will be applied for at the same time as LDP
- 11) Erosion Control plans will be reviewed in detail and approved prior to issuance of Land Disturbance and Site Improvement permits.
 - a. Applicant Response: Erosion Control Plans have been added to our plan set with this resubmittal.
- 12) Please coordinate with Byron Toy, btoy@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
 - a. Applicant Response: Acknowledged – planning comments and responses below in this document.
- 13) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
 - a. Applicant Response: Acknowledged – construction plans will be provided at time of permit applications.

Planning Comments:

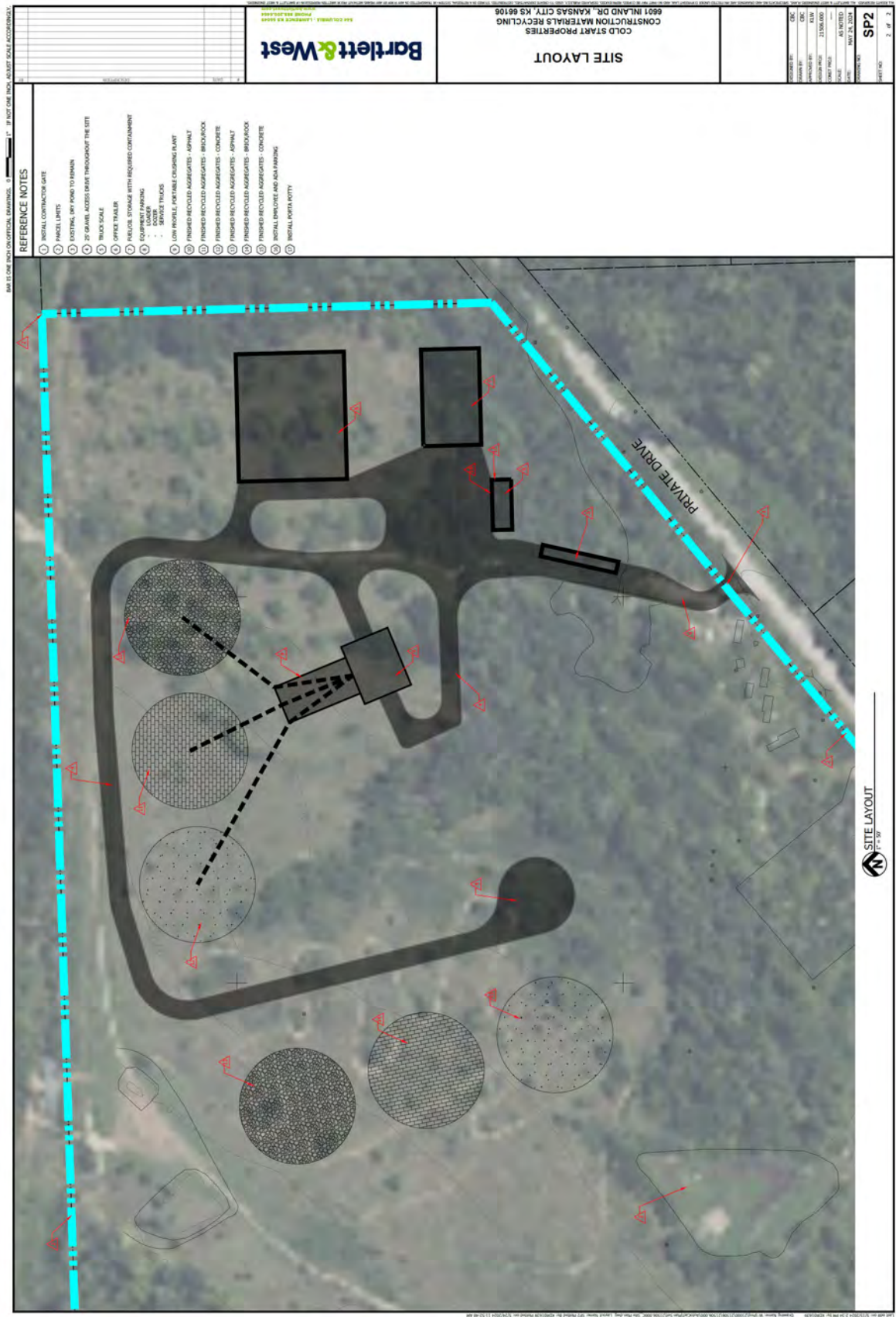
1. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Holliday Drive.
 - a. Applicant Response: Client is agreeable to this condition and will ensure it is met.
 2. How do you intend on remediating the site following the term of this Special Use Permit? Upon completion of processing and recycling of construction materials, the site shall be brought to finished grade and restored to pre-Special Use Permit condition.
 - a. Applicant Response: When operations of the material recycle facility are done, all raw and processed material will be removed from site, equipment will be removed from site, site will be scraped and seeded with native vegetation.
 3. What are the proposed hours of operation?
 - a. Applicant Response: Monday-Saturday 7 a.m. to 5 p.m. but only on an 'as needed' basis based on active demolition contracts. So there will be days/weeks when crushing operation is not happening.
 4. How many daily truck trips are anticipated on-site?
 - a. Applicant Response: 10-30 trucks per day. Only during active demolition contracts. So there will be some days/weeks when operations are not happening and trucks are not accessing the site to dump.
 5. What is the intended length or duration needed to complete the processing and recycling process?
-

- a. Applicant Response: A truck will only be on site for 15 minutes to dump the raw material, and then will exit the same way they came in (See traffic exhibit submitted with first submittal). Additionally, crushing will not be happening every day. A few times a year, the portable crusher will be brought on site when the raw aggregate piles are large enough, and then will be run for a few days before being removed from the site again.
- 6. The "Private Drive" is not actually "private". Holiday Drive is a public road, therefore, the street cannot be barricaded with fencing or other obstruction. If you intend on barricading the pavement leading to the construction entrance, a plat to vacate the right-of-way/street or a vacation application needs to be submitted.
 - a. Applicant Response: Client will begin the vacation application process, to officially vacate this street that has been considered as abandoned by public works for many years already. Although the client will begin this process ASAP, they are requesting that this does not hold up the SUP approval or the ability to start on site work while the vacation application makes it through the surveying/planning/filing process.
- 7. Preserve the existing tree stands west and south of the proposed development site.
 - a. Applicant Response: Existing tree stands will be preserved.
- 8. Gravel driveways, loading and maneuvering areas are not permitted. Driveways must be concrete or asphalt, whereas the areas for stockpile of materials may be asphalt millings.
 - a. Applicant Response: Acknowledged – After discussions with Byron Toy on this requirement, applicant & client have reached out to County Engineer (Troy Shaw) to ask for approval to use aggregate drives interior to the site.

Standard Conditions:

- 1. Keep the ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property.
 - a. Applicant Response: Client agrees to this condition.
- 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.
 - a. Applicant Response: Client agrees to this condition and will seek permit as needed.
- 3. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
 - a. Applicant Response: Client agrees to this condition and will seek tax application as needed.
- 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.
 - a. Applicant Response: Client agrees to this condition and will seek permit as needed.

5. All existing and future driveways must feature curb cuts that are constructed to UG standards.
 - a. **Applicant Response: Client agrees to this condition has noted this on plans.**
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.
 - a. **Applicant Response: Client agrees to this condition**
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.
 - a. **Applicant Response: Client respectfully requests the verbiage be clarified on this, to state that they may start working on the site portion of the project and operation while waiting on the ROW vacation process to take place.**
8. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
 - a. **Applicant Response: Client agrees to this condition**
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
 - a. **Applicant Response: Acknowledged.**



SUP2024-027 Neighborhood Meeting Minutes:

Application Number: SP2024-027

Date and Location: Virtual Meeting on Teams, at 5:45 PM on 5/22/24

Meeting called to order at: 5:45 PM

Names of people in attendance:

- 1) Katelyn Wolf – Bartlett & West
- 2) Casey Colbern – Bartlett & West
- 3) Roger Gagliano – Spirtas/Cold Start Properties

Introductions/Presentation:

- Katelyn, Casey & Roger were on the call, with video on, prepared to make a presentation and answer questions.
- No one joined the meeting or called in.

Meeting adjourned at: 6:16 PM

Other Contact Made Prior to Meeting:

- 1) Commissioner Phil Lopez called Katelyn Wolf on 5/14 and Roger Gagliano on 5/15 after he received the neighborhood mailing. He stated he would be busy on the night of the neighborhood meeting, but shared the following comments:
 - a. He thinks we will get opposition from neighbors for putting our proposed entrance at the intersection of Holliday and 65th, because even if we don't intend truck traffic to ever go down 65th, neighbors are worried they will.
 - b. His opinion is that a better entrance for the traffic would be at the gate near American Concrete, and that then could just widen/gravel a road interior to the site. He provided the markup attached.
 - i. Roger & Katelyn both discussed how the internal drives are not suitable for this kind of traffic, and that planning prefers the drive to be aligned with S. 65th. We also stated that the client has a plan to ensure trucks follow the traffic diagram, and will ban drivers from site if they don't follow the rules.
 - c. Overall he is in support of this project
- 2) Roger Gagliano reached out to Commissioner Tom Burroughs after neighborhood mailings were sent out, just to explain and discuss the project – but Commissioner Burroughs never returned the call.
- 3) A nearby property owner who lives down S 65th St. was on site taking pictures of birds on 5/21, and talked to a staff member of Spirtas/Cold Start Properties when approached. He stated that he overall doesn't have any issue with the proposed use, but hopes that they will not allow or find trucks driving down S 65th St.
 - a. The Spirtas staff member on site stated that they will do everything in their power to ensure truck drivers follow the traffic diagram, and will be banned from further deliveries to the site if they are found to be breaking the rules.

Minutes taken by: Katelyn Wolf

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # SUP2024-027
2. That I conducted a neighborhood meeting on 5/22/24 at 5:45 PM.
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.

Katelyn Wolf
Affiant

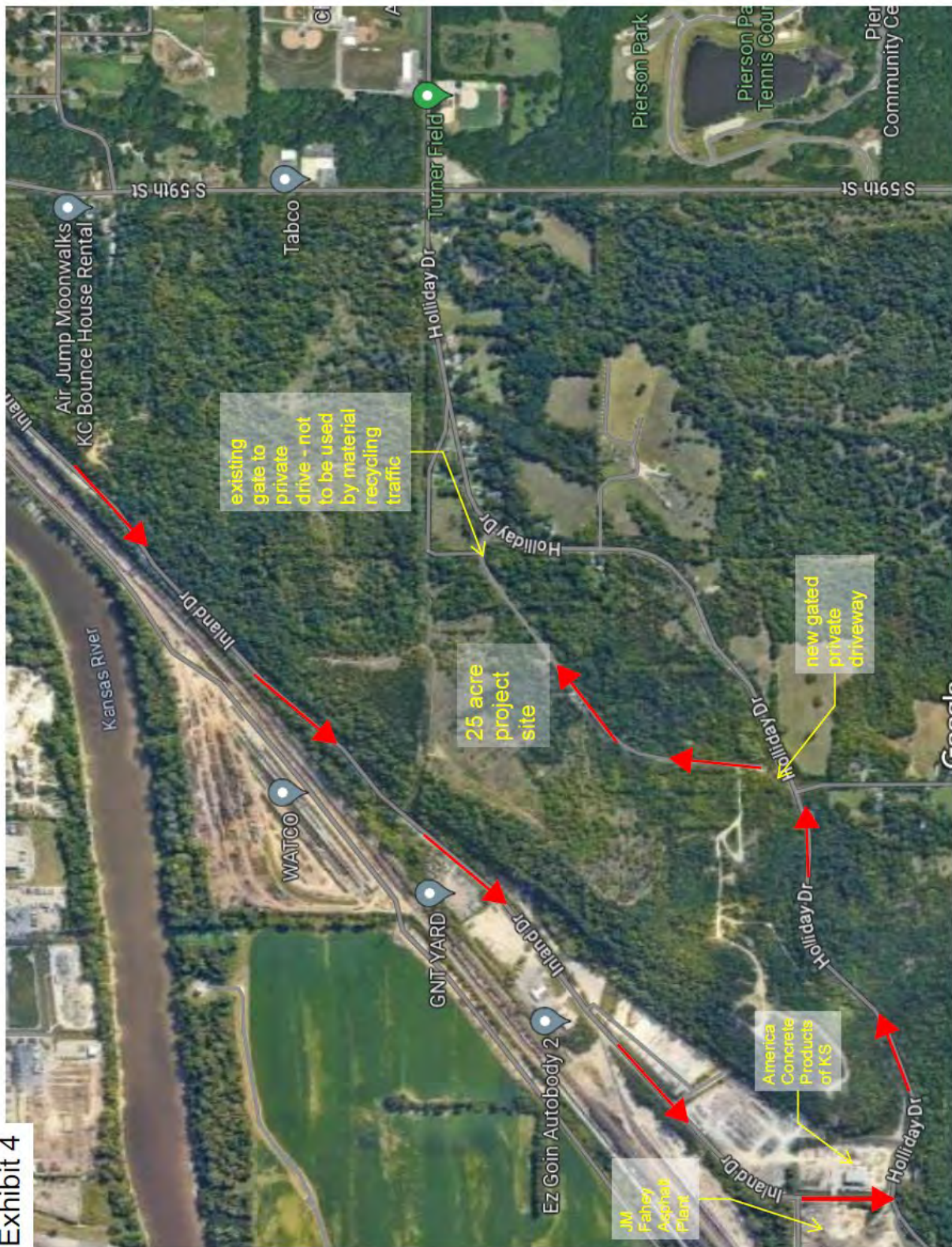
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of May, 2024.

My commission expires 18th of July, 2026



Maria Skiles
Notary Public

Exhibit 4





USC TECHNOLOGIES

May 29, 2024

Gunnar Hand
Director of Planning and Urban Design
Unified Government
701 N. 7th St., Ste. 423
Kansas City, KS 66101

**RE: Letter of Support Cold Start Properties – Special Use Application
Material Recycle/Crushing Facility – Inland Mines Area**

Dear Mr. Hand,

I am writing to express my Company's support of Cold Start Properties - Special Use Permit Application for a Material Recycle/Crushing Facility at 6601 Inland Drive, Kansas City, Kansas.

We have worked closely with Roger Gagliano and Cold Start Properties (CSP) over the last couple of years regarding Flue-Gas Desulfurization Ash (FGD Ash) material placement for mine stabilization on the property acquired by Cold Start Properties in early 2023. As you may be aware my company has been performing mine stabilization activities utilizing ash materials at this property since 2003 to help stabilize portions of Holiday Drive and other areas of the mine for Americold, the Unified Government and now for CSP.

We currently have a contract with the Kansas City Board of Public Utilities ("BPU"), for the beneficial use of FGD Ash from its Nearman Creek Power Plant for mine stabilization of portions of the CSP property. CSP and BPU are in current negotiations for an extended ten (10) year agreement for continued FGD Ash placement for mine stabilization on portions of the CSP property. As part of my contract with BPU we drill surface bore holes for ash placement, build access roads, provide and maintain the ash slurry equipment, build containment berms underground, and run water supply lines in addition to other support activities to provide an effective backfill to stabilize the underground mine. Placement of the FGD Ash is authorized via a beneficial use and operating agreement with the Kansas Department of Health and Environment (KDHE).

Recycled aggregate materials produced on site by CSP will provide my company with available and more economical aggregate for our planned access roadway development for continued FGD Ash placement at the CSP property. This in turn will help keep my costs to BPU down for the services I am providing them under my contract for FGD Ash beneficial use for mine stabilization.

1201 NW Briarcliff Parkway • Suite 200 • Kansas City, Missouri 64116
Office: 816-595-3013 • Fax: 816-595-3015

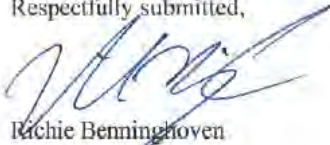
BPU/USC Technologies' current 10-year mine stabilization/backfilling plans include further access roadway development north and south of Holliday Drive to install additional bore holes and to provide access roads for the FGD Ash delivery trucks to continue mine stabilization efforts of the abandoned underground workings on the CSP property.

Additionally, I understand that CSP is also working on long-term development plans for the larger Americold/Inland undermined properties which will require recycled aggregate for on-site roadway construction for engineering evaluations for future development scenarios.

Outside of my own Company's needs, the presence of a Material Recycle yard is of economic benefit to the Unified Government and its citizens to support new development of the surrounding area. New development is so dependent upon a readily available supply of economical recycled and newly-mined crushed stone. Having to transport crushed stone for any significant distance dramatically increases truck traffic and its cost. Availability of local recycled aggregate materials provides a valuable benefit and reduces construction costs. Having CSP's Material Recycle/Crushing Facility on site will be compatible with surrounding industrial uses (i.e. American Concrete Products and JM Fahey Asphalt), adjacent to the west of CSP's property.

I feel this Material Recycle facility is needed, will be a productive use of the land and supports my Company's continued roadway development and placement activities of BPU's FGD Ash. We positively support approval of this beneficial Facility.

Respectfully submitted,



Richie Benninghoven
President

Exhibit 3

Site Photos:

All photos taken on 4/19/2024 to show current condition of property.



Photo A:



Photo B:



Photo C:



Photo D:



Photo E:



Photo F:



Photo G:



Photo H:





Figure 1. Site Photograph of 6601 Inland Drive looking northwest from South 65th Street (provided by Planning Staff).



Figure 2. Site Photograph of 6601 Inland Drive looking northeast from Holliday Drive (provided by Planning Staff).



Figure 3. Site Photograph of 6601 Inland Drive looking northeast from South 65th 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: August 29, 2024

Re: Special Use Permit Petition SP2024-047

GENERAL INFORMATION

Applicant Information:

Selena Umana
Representative
The Red Circle, LLC
6000 Leavenworth Road, Suite M
Kansas City, Kansas 66104

Subject Property:

6000 Leavenworth Road
Kansas City, Kansas 66104

Requested Action and Purpose:

Approval of a Special Use Permit to
operate an event center with live
entertainment.

Commission Districts:

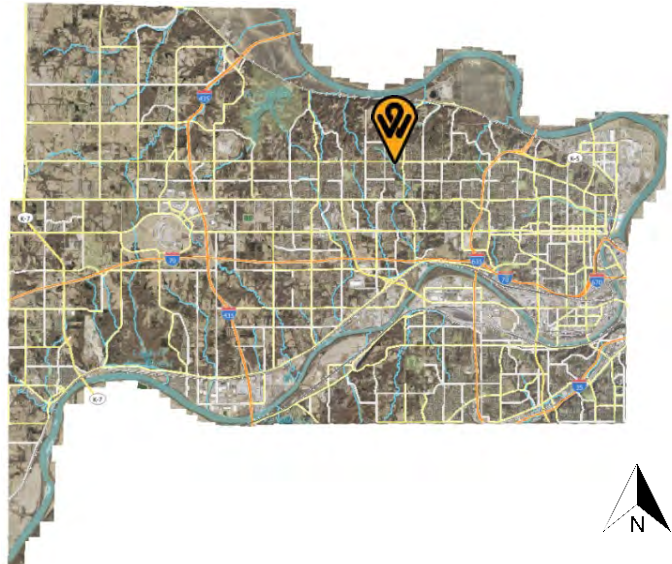
At-Large District #1:
Melissa Bynum
District #8 Commissioner:
Andrew Davis

Existing Zoning District(s):

CP-1 Planned Limited Business
District

Plan Area

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	CP-1 Planned Limited Business District	Single-Family Homes
South	CP-1 Planned Limited Business District	Strip Center
East	CP-1 Planned Limited Business District	Vacant Commercial Lot
West	CP-1 Planned Limited Business District	Apartments

Total Tract Size: 1.14 Acres

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Community Commercial, which allows for medium-scale commercial development to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small-scale accessory commercial uses and small-scale commercial centers.

Major Street Plan: The goDotte Mobility Plan designates Leavenworth Road as a Minor Arterial.

Parking Requirement: Sec 27-464(e) states “uses in this district require paved off-street parking spaces at a ratio of not less than four spaces per 1,000 square feet of floor area in the building”.

The structure is 9,512 square feet, which requires 38 spaces. The property only provides 10 parking spaces, a deficit of 28 spaces. A variance or parking agreement is required.

Landscaping Requirement: Section 27-464(g) states “Trees are required at not less than one per 7,000 square feet of site area. Six-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property”.

The property is 1.14 acres, which requires 8 trees to be planted. There are currently no

trees provided on the site. 8 trees shall be planted on-site.

Advertisement:	<u>The Wyandotte Echo</u> – July 18, 2024 <u>Letters to Property Owners</u> – July 19, 2024
Public Hearings:	August 12, 2024 and August 29, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Selena Umana with The Red Circle LLC, is requesting a Special Use Permit for an event space with live entertainment at 6000 Leavenworth Road.

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 have been seven (7) Notices of Violation on the property between 2006 and 2024.
 - a. 2022 – ABT22-1457 – Abatement – Weeds and Trash
 - b. 2020 – 20225-02230 – Abatement – Weeds and Junk
 - c. 2020 – 20200-00503 – Environment – Overflowing Dumpster
 - d. 2019 – 19225-02948 – Abatement – Grass and Weeds
 - e. 2017 – 17395-00251 – Stop Work Order – Unpermitted Construction
 - f. 2014 – 14201-00086 – Structural – Potholes
 - g. 2010 – 10200-02005 – Environment – Potholes
 - h. 2006 – 06220-00965 – Graffiti

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 Bethel-Welborn Statistical Neighborhood, The Field of Dreams Neighborhood Group, and the Leavenworth Road Association. The neighborhood consists of a mix of smaller-scale commercial uses, drive-through commercial uses, as well as a mix single-family residences and multi-family. The property is located along the Leavenworth Road corridor a mixed-use corridor, which spans from Western Wyandotte County to Northeast KCK.

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-1 Planned Limited Business District as well as the R-1 Single-Family and RP-5 Planned Apartment District. While the use is directly surrounded by small-scale commercial businesses, there are also single-family residences within earshot of this proposed use, which may create conflicts if not properly addressed.

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, however, if not managed properly, issues such as noise and illumination may impact nearby residences. The removal of restrictions will not detrimentally affect nearby property as long as all conditions of approval are adhered to.

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

The property has been vacant for roughly three (3) years.

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 Community Commercial, which allows for medium-scale commercial development to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores

with small-scale accessory commercial uses and small-scale commercial centers. The proposed use conforms with a Special Use Permit.

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

The proposed use will increase vehicular traffic, as the property, which used to be a bank, is being converted into an event space, which will see a greater number of vehicles at once, rather than spread throughout a day. It is not expected that this amount will exceed the capacity of Leavenworth Road, a minor arterial. The parking lot currently does not accommodate the amount of parking that will be required as part of the event space use. The applicant will have to either obtain a parking agreement or a variance from the Board of Zoning Appeals.

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 but does provide a gathering space for groups. As long as the proposed use abides by the conditions of approval, and takes steps to mitigate the issues, such as noise and illumination, the use is not expected to impact the use, quality, and marketability of nearby 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 expected to occur in durations as to create issues with nearby properties. These are not expected to be major issues for nearby property, however, as long as windows and doors are closed during performances, there are no outdoor speakers, and outdoor lighting is affixed with 90-degree cut-offs. Dust is not expected to be an issue with this type of use.

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 building.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing, permitted commercial structure 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 an event space, 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 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.*

The proposed use could potentially result in both the overcrowding of land and undue concentrations of population. These issues may arise due to the nature of event spaces, which often attract larger groups of individuals and vehicles. If managed properly, these items should not be a major concern.

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Landscaping
Illumination
Noise
Vibration
Occupancy Conversation
Parking
Hours of Operation
Pedestrian Access
Safety and Security
Occupancy Levels
Trash and Waste

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2024-047, **for two (2) years**, subject to:

1. Per the Landscape Plan, 8 trees must be planted on site. In addition to the landscape plan, a combination of shrubs, bushes, and hedges along the entirety of the edge of the property.
2. The parking lot and driveway apron must be repaved, as it is in an advanced state of repair.
3. Additional parking must be provided on the subject property in addition to the provided parking plan.
4. Alcohol must not be provided on the subject property until the event space has proper licensure. Any 3rd party vendors must also have proper licensure.
5. At least one (1) member of Red Circle Staff must be on-site during all events throughout the duration of the event. There shall be no point during an event where the venue is left unattended to a 3rd party.
6. All alterations to the building must receive a building permit prior to commencement of work. Failure to do so will result in a stop work order and potential revocation of this permit.
7. A waste receptacle must be provided on-site. Additionally, an opaque enclosure shall be provided, with masonry columns. The enclosure must be at least the height of the receptacle.
8. All 3rd party vendors must be licensed in Wyandotte County.
9. The provided security plan must be maintained throughout the duration of this Special Use Permit.
10. The provided parking plan must be maintained throughout the duration of this Special Use Permit.
11. All entertainment must cease by at least 1:00AM.
12. Doors and windows must stay closed during any entertainment performance; and,
13. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
14. 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.
15. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
16. 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.

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. 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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
21. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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.
22. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
23. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the

renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and

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.
25. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
26. Food trucks will be available before or after live entertainment events to avoid alcohol and noise outside the venue.

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 **SP2024-047** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Landscape Plan
Business Plan
Parking Agreement
Security Agreement
Site Photos, Taken by Staff, Dated, July 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	August 12, 2024 Approval	August 29, 2024

STAFF CONTACT:

James Molloy

jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-047** 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 **SP2024-047**, 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.

August 12, 2024, City Planning Commission Minutes:

Hearing starts at Recording 2 – 1:04:35:

SPECIAL USE PERMIT APPLICATION SP2024-047 – SELENA UMANA WITH THE RED CIRCLE, LLC - SYNOPSIS: Special Use Permit for an event space at 6000 Leavenworth Road. *Detailed Outline of Requested Action:* The applicant, Selena Umana with The Red Circle LLC, is requesting a Special Use Permit for an event space with live entertainment at 6000 Leavenworth Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 12, 2024;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Commissioner Beth stated that he was contacted by members of the Leavenworth Road Association.

Present in Support:

- Selena Umana, Applicant/Representative, The Red Circle, LLC, 2128 West 112th Terrace, Olathe, Kansas

The Planning Commission directed questions to the Applicant.

Present in Opposition:

- No one appeared.

Staff Recommendation starts at Recording 2 – 1:14:33: Planner Molloy stated that the request is for a Special Use Permit for an event space. Staff has received no letters in support nor opposition. There have been Notices of Violation for weeds, tall grass, and some of the potholes within the parking lot. Staff recommends approval for two (2) years with conditions. He stated that Staff would add a condition that the food trucks will serve before or after live entertainment events to avoid alcohol and noise outside the venue.

Motion starts at Recording 2 – 1:16:18:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-047 for two (2) years:**

Carson	Chairman
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	No
Easterwood	Not Present

Motion to recommend APPROVAL Passed: 7 to 1

Subject to:

- 1. Per the Landscape Plan, 8 trees must be planted on site. In addition to the**

- landscape plan, a combination of shrubs, bushes, and hedges along the entirety of the edge of the property.
2. The parking lot and driveway apron must be repaved, as it is in an advanced state of repair.
 3. Additional parking must be provided on the subject property in addition to the provided parking plan.
 4. Alcohol must not be provided on the subject property until the event space has proper licensure. Any 3rd party vendors must also have proper licensure.
 5. At least one (1) member of Red Circle Staff must be on-site during all events throughout the duration of the event. There shall be no point during an event where the venue is left unattended to a 3rd party.
 6. All alterations to the building must receive a building permit prior to commencement of work. Failure to do so will result in a stop work order and potential revocation of this permit.
 7. A waste receptacle must be provided on-site. Additionally, an opaque enclosure shall be provided, with masonry columns. The enclosure must be at least the height of the receptacle.
 8. All 3rd party vendors must be licensed in Wyandotte County.
 9. The provided security plan must be maintained throughout the duration of this Special Use Permit.
 10. The provided parking plan must be maintained throughout the duration of this Special Use Permit.
 11. All entertainment must cease by at least 1:00AM.
 12. Doors and windows must stay closed during any entertainment performance; and,
 13. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
 14. 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.
 15. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
 16. 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.
 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. 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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
21. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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.
22. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
23. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
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.
25. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise

determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

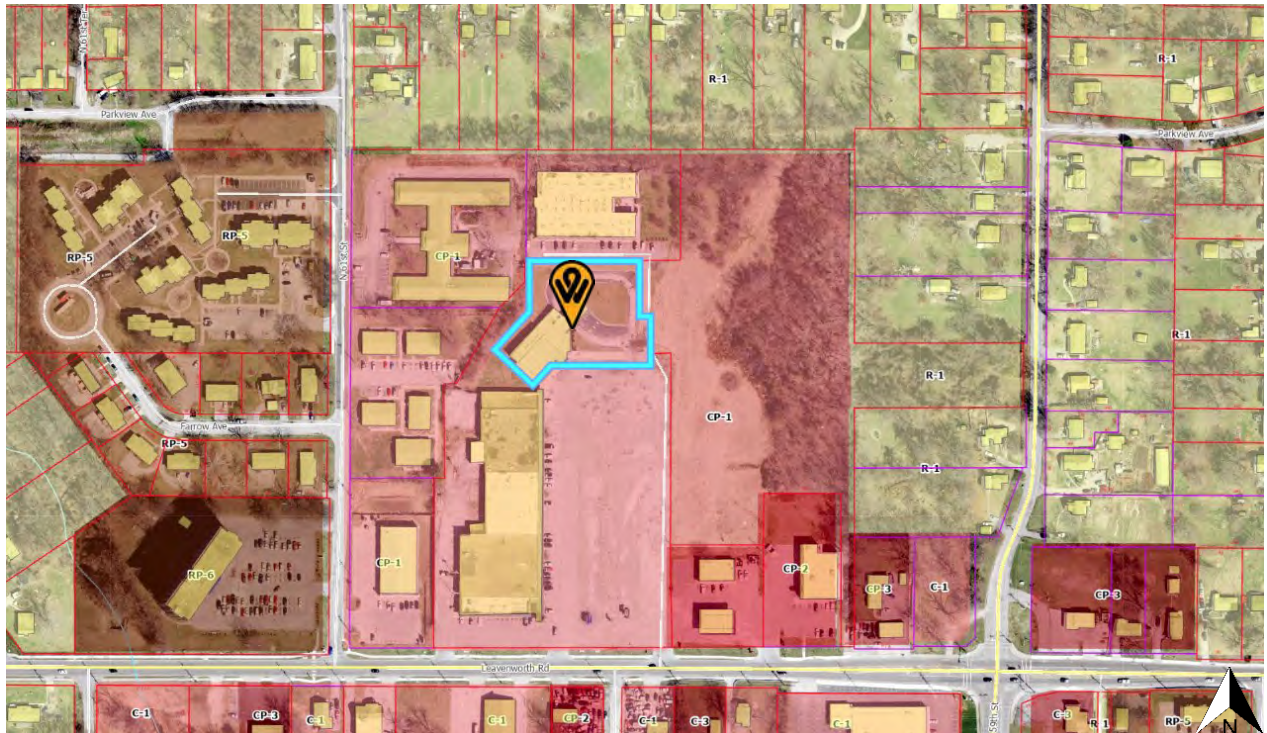
- 26. Food trucks will be available before or after live entertainment events to avoid alcohol and noise outside the venue.**

ATTACHMENTS

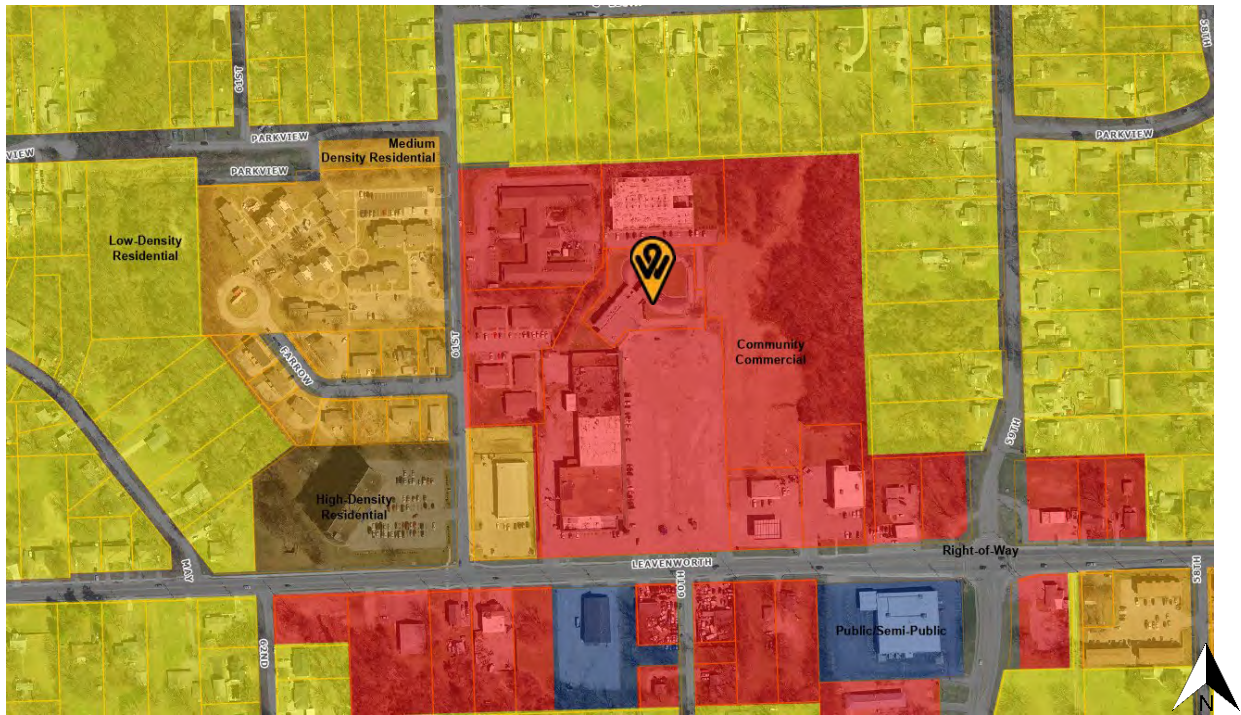
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SAMPLE MINUTES:

Application Number SP2024-47

Date and Location: 7/23/24 - 6000 Leavenworth Rd, STE M, Kansas City, KS 66104

Meeting called to order at: 6:30pm

Names of people in attendance: 1

Introductions:

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

Questions and answers (include the following): Attached

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 7:18pm

Minutes taken by: Selena Umara with a
Microsoft teams recording and transcription

Date: July 8, 2024

Selena Umana

6000 Leavenworth Rd, STE M
Kansas City, KS 66104

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department **#SP2024-047**. The purpose of this special use permit is for an **event space** at the following address:

6000 Leavenworth Rd, STE M, Kansas City, KS 66104.

I am having a neighborhood meeting on **July 23rd at 6:30 p.m.** at the following address **6000 Leavenworth Rd, STE M, Kansas City, KS 66104.**

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend and would like to discuss any concerns or need further information, **please send a text message to 913-749-2632** to schedule a call or email me at selena@sightinv.com.

Sincerely,

Selena Umana

Contact Information: **913-749-2632, selena@sightinv.com**



I called him after I received the text. He had some concerns regarding the event center being close to his residential properties however I told him we won't be a disturbance and we could meet up in person to discuss further and he agreed.

Neighborhood Meeting 7/23/24 - 6000 Leavenworth Rd. STE M

From Lisa Lee <iamlistedhere@yahoo.com>
To Selena Umana <selenasightinv.com>
Monday, July 22 2024 at 11:41 PM CDT ✕

Dear Selena:

Thank you for the letter you sent on July 8, 2024.

In your letter there was limited information disclosed about the 'Proposal'.

Please provide detailed information including description(s), charts, graphs all documentation that has been, will be requested or required notification by any and all Local, City and State Agencies & Departments including their response.

Thank you in advance.

Respectfully,
Lisa Tauber, Landlord
Advance Auto Parts
5934 Leavenworth Road
Kansas City, KS 66104

The best form of communication:

Email: iamlistedhere@yahoo.com

From Selena Umana <selenasightinv.com>
To Lisa Lee <iamlistedhere@yahoo.com>
Monday, July 22 2024 at 11:44 PM CDT ✕

Hi Lisa,

Thank you for your email. I apologize for the limited information in my previous letter. The reason for this is that I have a meeting tomorrow at 6:30 PM at 6000 Leavenworth Rd, ste M. I would like to invite you to attend the meeting if possible.

6000 Leavenworth Rd (SP2024-047)

From **Davis, Andrew** <adavis@wycokck.org>
To **Selena Umana** <selena@sightinv.com>
Monday, July 22 2024 at 12:28 PM CDT ✕

Hi Selena, I received your mail letter about the neighborhood meeting you're having tomorrow. I have no questions at the moment. Please do let me know if you have any or if there are concerns that arise out of your neighborhood meeting that I should be aware of.

Me Create folder under Red circle under WYCO application called neighborhood me... JUL 22

From **Selena Umana** <selena@sightinv.com>
To **Davis, Andrew** <adavis@wycokck.org>
Monday, July 22 2024 at 4:00 PM CDT ✕

Hi Andrew,

Thank you for reaching out! I just reviewed the staff draft report and it highlighted some potential concerns that might be raised by the community. It's been helpful to have this insight as I prepare for tomorrow's discussion.

Should any significant issues or needs for intervention arise during the meeting, I will be sure to communicate them to you promptly.

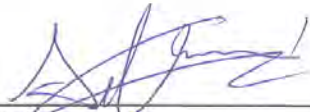
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2024-47
2. That I conducted a neighborhood meeting on 6000 Leavenworth Rd STE M at 6:30pm
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 23rd day of July, 2004
My commission expires 15th of August, 2004.



Notary Public



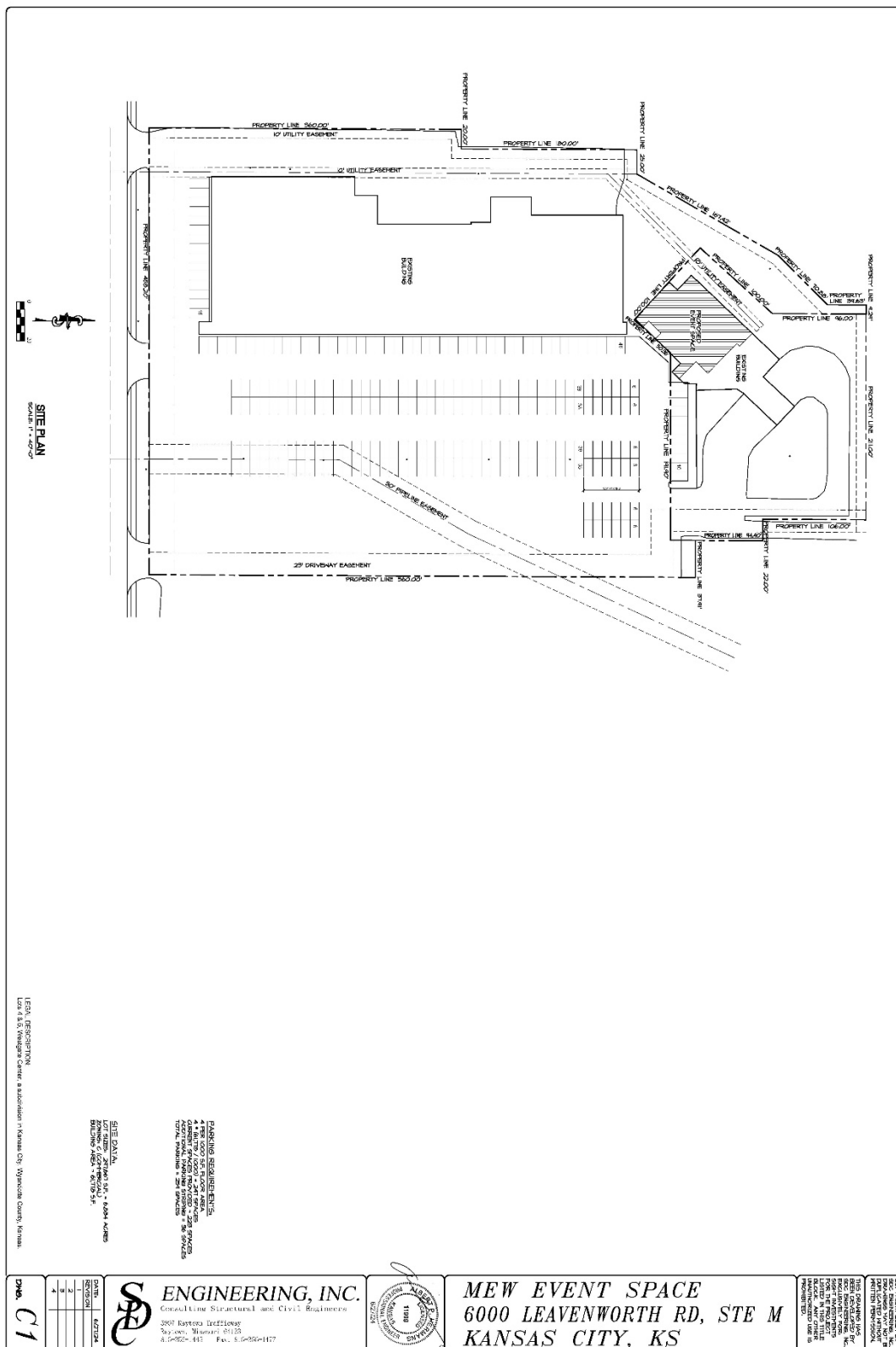
The Red Circle

WYCO Neighborhood Meeting Sign-In Sheet

No	Name	Street Address	Phone Number	Email Address
1	Lorena Mosser	5765 Sewell Ave 66104	913-5862677	
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

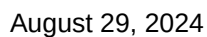
SP2024-047

24





SP2024-047



Introduction

The Red Circle, strategically located at 6000 Leavenworth Rd, STE M, Kansas City, KS 66104, is an ideally positioned event center to serve the dynamic Hispanic community of Wyandotte County, offering a spacious venue designed to host family-oriented events including Quinceanera's, Sweet 16s, religious ceremonies such as communions and confirmations, as well as baby showers and gender reveals. This community, with its rich cultural traditions and substantial population of people of Hispanic descent, finds a dedicated partner in The Red Circle, which seeks to provide a deeply culturally resonant space for celebrations that mark significant life milestones.

Understanding the importance of these events, The Red Circle not only offers a venue but also acts as a cultural bridge, supporting the preservation and continuation of Hispanic, as well as other cultural traditions through memorable celebrations. The facility, encompassing more than 3,500 square feet with elegant design features and modern amenities, can accommodate between 200 to 250 guests, pending official capacity verification from the fire marshal.

The Red Circle's prime location is not just strategic for its accessibility but also beneficial due to its proximity to key community amenities, including an ice kiosk, Dollar Tree, liquor store, and gas station, making it highly convenient for event attendees. The venue's location and design cater specifically to the needs of large gatherings, which are typical for Hispanic family celebrations, making it an invaluable resource in an area where such accommodating spaces are scarce.

The Red Circle's commitment to excellence and community engagement makes it a cornerstone for family and cultural life in Wyandotte County, aiming to fill a critical void in accessible, suitable event space located by essential conveniences, allowing families to celebrate their significant events with passion and pride.

Catering and Event Setup Facilities

The Red Circle allows clients to personalize their events by bringing in external caterers, which is ideal for those who prefer to use family recipes and traditional foods, making each event uniquely personal. To support these needs, The Red Circle provides a catering area specifically designed for food display, accommodating various catering setups to ensure that the presentation and accessibility of food are handled professionally and efficiently. Additionally, we are enhancing our facilities by adding a new triple sink with a grease trap to improve sanitation and operational efficiency in food preparation.

While specific decorations and musical entertainment must be sourced externally, The Red Circle maintains a list of preferred vendors known for their excellent service and reliability. This list is regularly updated every six months based on ongoing evaluation and client feedback,

ensuring that we recommend only those who uphold the highest standards of quality and customer satisfaction. New vendors are added to the list when they demonstrate exceptional service or receive positive feedback from our clients.

Although The Red Circle does not have formal affiliations with any vendors, our team provides substantial support by recommending trusted partners we have worked with previously. This approach helps ensure that our clients have access to established businesses for decoration and entertainment options that align with their event's aesthetic and functional needs. By offering these recommendations, The Red Circle enables clients to efficiently coordinate their own event details, giving them the freedom to tailor the celebration to their specific preferences.

The Red Circle's commitment to creating a seamless and enjoyable event experience extends beyond our tailored recommendations. Our hands-off approach empowers clients, providing them the tools to select ideal vendors without our direct involvement in coordination. Our guidance is designed to be a valuable resource, enabling the planning of significant and memorable events at our venue with greater independence.

Venue Facilities and Event Management

The venue includes a kitchen equipped with essential amenities such as prep areas, a blender, a fridge, and a large cooler, facilitating on-site food preparation. We will enhance our kitchen facilities by adding a new triple sink with a grease trap and two drinking fountains to support a wide range of catering needs, from simple appetizers to complex banquet-style meals. The kitchen is designed to allow caterers to work efficiently and display all types of food with ease during large-scale events, featuring modern appliances and ample space. Additionally, the venue will offer two gender-specific restrooms, each accommodating handicap access, with three toilets in the women's restroom and two toilets plus two urinals in the men's restroom. For events such as quinceañeras, which traditionally involve outfit changes, we will provide two fitting rooms, one for each gender, and two coat closets for guest convenience during the winter.

Event setup is flexible and tailored to meet the specific requirements of each celebration. For instance, a quinceañera typically commences setup at 10 AM for an event beginning at 6 PM. Clients can request earlier access for more elaborate preparations, and The Red Circle accommodates these needs based on venue availability. The hours of operation depend on the type of event. For example, quinceañeras often start early due to dance routines and other preparations, baptisms typically begin around noon, and wedding receptions usually take place in the evening. However, regardless of the event type, the venue will not exceed a closing time of 1 AM.

Although events generally conclude at midnight, clients have the option to extend the duration until 1 AM for an additional fee, contingent upon local city and county regulations. Extending event hours involves a straightforward fee structure, which is communicated clearly to clients during the planning stages. The Red Circle assists clients in understanding and adhering to local

regulations such as noise ordinances and safety codes, ensuring that all events proceed without any issues.

The Red Circle also offers support services during event setup, including assistance with access to necessary facilities and areas for audio-visual setups, and general event coordination. Our team is available to help clients, DJs, and other event professionals ensure they have everything they need for their setups, from accessing power outlets to arranging furniture or equipment in designated areas. This support ensures that all logistical aspects of the event are handled efficiently, allowing clients to focus on their guests and the celebration.

Operational Policies

The Red Circle maintains a strict policy of hosting no more than one event per day to ensure that each event receives dedicated attention and resources, thus avoiding overloading the facility. Additionally, we do not foresee The Red Circle being used for anything other than an event space, reinforcing our commitment to providing a specialized and focused venue for celebrations and gatherings. Bookings are subject to availability, with a minimum advance notice of four weeks required to arrange necessary security—one officer per 100 attendees—as per venue policy.

Clients looking to secure a date, especially during the high-demand seasons of spring and summer, are encouraged to book as early as possible due to tighter availability. At the time of booking, clients must provide essential information including a deposit, name, contact number, email address, and some form of identification. The deposit is non-refundable in case of cancellation. For rescheduling, clients must notify The Red Circle at least 30 days in advance, and the new date is subject to availability.

In the event of unexpected closures due to unforeseen circumstances such as extreme weather conditions, power outages, or other emergencies beyond our control, The Red Circle aims to accommodate clients by offering a credit towards the balance of their next event. This policy ensures that disruptions are handled with client interests in mind, providing peace of mind and flexibility in rescheduling events. Additionally, clients interested in extending their event hours beyond the standard closing time (12am) must address this request at least one week before the event. Associated costs for extending event hours range from \$100 to \$300, depending on the season's demand, reflecting the increased operational costs during peak times.

Communication with clients is managed through a VOIP system, which is monitored for quality assurance, and a comprehensive CRM system that tracks each stage of event planning and execution. This ensures that all client interactions are recorded and that every detail of the event planning process is meticulously overseen. After the event, the CRM system facilitates the process by sending a text message to clients, inviting them to provide feedback. This feedback is crucial for continual improvement and helps The Red Circle enhance its service quality.

The operational staff at The Red Circle, consisting of 1-2 dedicated members depending on the type of event and if the guest count is nearing capacity, plays a crucial role in ensuring each event proceeds without any hitches. These staff members are specifically tasked with responding to any immediate needs that might arise during an event, such as addressing facility-related issues in the bathrooms or with the lighting. They also ensure that the property remains intact and secure throughout the event's duration, providing peace of mind for both the clients and the venue management. At the end of the event, these staff members will be responsible for securing the space and ensuring all trash is properly disposed of via a dumpster maintained at Sunset Plaza, which is cleaned out weekly. This ensures a tidy and well-managed environment for every event held at The Red Circle.

The Red Circle upholds strict cleaning protocols to maintain the venue's high standards. All clients are required to ensure that food is disposed of properly and that the venue is returned to its original state, albeit understandably less clean, post-event. Adhering to these conditions is crucial for the return of the client's deposit. The operational staff is available to assist clients in understanding these requirements by providing clear guidelines and checklists, which help streamline the post-event cleanup process. This support ensures that the venue is quickly ready for the next event and helps clients fulfill their cleanup obligations efficiently.

Client Relations and Security

The venue employs a dedicated leasing manager responsible for overseeing event bookings and teardowns. This individual is pivotal in managing the CRM system that records all customer interactions and leads, ensuring quality assurance and efficient follow-up on inquiries. Upon initial contact, potential clients are provided with a rate sheet that reflects seasonal pricing variations and are required to secure their booking with a deposit within one week.

Security is a paramount concern; thus, clients must arrange for one security officer per 100 attendees. This arrangement needs to be finalized two weeks in advance to avoid event cancellation. Clients may either source their security personnel or authorize The Red Circle to coordinate with local law enforcement to provide the necessary security at the client's expense. The Red Circle also enhances security with HD cameras that provide 24/7 video surveillance around the property, capable of focusing on specific time stamps, ensuring a safe environment for all guests without requiring guest lists beforehand. While the footage is automatically held for 72 hours, to maximize safety, we download the security tapes for each event and store them on a hard drive. This footage is kept for two years before being discarded, ensuring that any incidents can be reviewed even after the initial 72-hour period.

PARKING AGREEMENT

PARKING AGREEMENT

This Parking Agreement ("Agreement") is made and entered into on this 27 day of July, 2024, by and between Sight Investments, LLC, a Kansas Limited Liability Company with its principal office located at 6000 Leavenworth Rd, STE N, Kansas City, KS 66104 ("Owner"), and The Red Circle, LLC AKA Red Circle a business located at 6000 Leavenworth Rd, STE M, Kansas City, KS 66104 ("User").

RECITALS

WHEREAS, Sight Investments, LLC is the owner of the parking lot located at 6000 Leavenworth Rd, Kansas City, KS 66104;

WHEREAS, Red Circle operates an event space at 6000 Leavenworth Rd, STE M, Kansas City, KS 66104, and requires additional parking spaces for its clients and guests;

WHEREAS, Sight Investments, LLC agrees to provide additional parking spaces to Red Circle on the terms and conditions set forth in this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereto agree as follows:

1. Grant of Parking Rights

Sight Investments, LLC hereby grants Red Circle the right to use 38 additional parking spaces, or as needed, located at 6000 Leavenworth Rd, Kansas City, KS 66104.

2. Term

The term of this Agreement shall commence on the date first above written and shall continue indefinitely unless terminated by either party with one hundred twenty (120) days written notice.

3. Consideration

The parties acknowledge that this Agreement is entered into for the mutual benefit of both parties and no monetary consideration shall be exchanged unless otherwise agreed upon in writing.

4. Use of Parking Spaces

Red Circle shall have the non-exclusive right to use the designated parking spaces for its clients and guests during events.

The parking spaces shall be used in a manner that does not interfere with the normal operation of other tenants or businesses within the property.

5. Maintenance and Repairs

Sight Investments, LLC shall be responsible for the maintenance and repair of the parking lot, ensuring that it remains in a safe and usable condition.

6. Insurance and Liability

Red Circle shall maintain general liability insurance covering its use of the parking spaces and shall provide proof of such insurance to Sight Investments, LLC upon request.

7. Termination

Either party may terminate this Agreement by providing one hundred twenty (120) days written notice to the other party.

8. Miscellaneous

This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof and supersedes all prior agreements and understandings.

Any amendments or modifications to this Agreement must be in writing and signed by both parties.

This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Sight Investments, LLC

By:  _____
Name: Nelson Umana _____
Title: President _____

The Red Circle, LLC

By:  _____
Name: Selena Umana _____
Title: President _____

TENTATIVE SECURITY AGREEMENT



Red Circle

Please accept this quote for security services to be performed at 6000 Leavenworth Rd.

We know this project requires careful planning and consideration to ensure the best fit is found for Red Circle in ensuring the employees and anyone else feels safe and comfortable to be within the property.

At SK Security, we have extensive experience working with a mix of guests, employees, and anyone in between. We want to ensure that Red Circle keeps unwanted activity and crime away from the property at all times.

We're committed to the success of your project. Personalized service and one-on-one attention is our philosophy. It is an honor to be considered for Red Circle security solution.

I look forward to reviewing this quote with you.

All the best,

SK Security

Project Fees



Service Type	Hourly Rate Per Guard	Hours Provided	Days Serviced
Unarmed Security	\$ 88.75 - \$100 /hr per guard	TBD	TBD

An emergency fee of 2.5x the rate above is included on any services provided with less than a two week (14 day) notice before start of services.



Project Summary

This quote provides an outline and estimate of costs for your new security solution. Your services includes:

- Properly commissioned SK Security Officers.
- A marked patrol car on property.
- A professionally written daily activity report to include what took place on the property.
- A professionally written incident report as needed for any instances that occur.
- Post orders and procedures specifically designed to the property.
- Access to SK Security's 24/7 dispatch console. Residents, employees, and guests will be able to contact dispatch for as needed assistance from SK Security officers.
- Backup officers available at all times.

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 2024







Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #X.1.		
RESOLUTION: SECOND AMENDMENT TO THE 505 CENTRAL DEVELOPMENT AGREEMENT		
BACKGROUND		
Approve a resolution adopting the Second Amendment to the 505 Central Development Agreement, changing the date of commencement from September 1, 2024, to March 1, 2026, and changing the date of completion from September 1, 2026, to March 1, 2028. <i>On July 29, 2024, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Resolution Approving Second Amendment to 505 Central Development Agreement, 2nd Amendment to 505 Central Development Agreement(18819384.1)		

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

RESOLUTION NO. R-____-24

**A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ENTER INTO
THE SECOND AMENDMENT TO 505 CENTRAL DEVELOPMENT
AGREEMENT.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and Sunflower Development Group, LLC, a Missouri limited liability company ("Developer"), entered into that certain 505 Central Development Agreement dated as of August 25, 2022, as amended by that certain First Amendment to 505 Central Development Agreement dated as of August 3, 2023 (collectively, as amended, the "Agreement"), whereby Developer proposed to design, develop and construct a new, first-class, market-rate luxury multi-family apartment complex and related amenities on certain real property generally located at 505 Central Avenue, Kansas City, Kansas (as more particularly set forth in the Agreement, the "Project");

WHEREAS, the Agreement requires satisfaction of certain conditions, and commencement of construction of the Project, to occur on or before September 1, 2024, with completion of the Project on or before September 1, 2026;

WHEREAS, Developer has been diligently proceeding with its obligations in connection with the Agreement, but Developer has requested an 18-month extension to provide additional time to secure private financing for the Project; and

WHEREAS, the Governing Body has determined that it is advisable to enter into the Second Amendment to 505 Central Development Agreement, attached hereto as **Exhibit A** (the "Second Amendment"), with Developer in order to modify performance dates.

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

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

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

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

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

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON AUGUST 29, 2024.**

Tyrone Garner, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

Second Amendment

[Attached on following pages.]

SECOND AMENDMENT TO 505 CENTRAL DEVELOPMENT AGREEMENT

This Second Amendment to 505 Central Development Agreement (this "Second Amendment") is made and entered into as of the _____ day of _____, 2024, by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"), and Sunflower Development Group, LLC, a Missouri limited liability company ("Developer").

WHEREAS, UG and Developer entered into that certain 505 Central Development Agreement on August 25, 2022 (the "Original Agreement"); and

WHEREAS, the Original Agreement was amended by First Amendment executed by the parties as of August 3, 2023 (the "First Amendment"); and

WHEREAS, the parties desire to further amend the Original Agreement to modify the dates of performance by the Developer as hereinafter set forth; the Original Agreement, as amended by the First Amendment and this Second Amendment, may be referred to hereafter as the "Agreement."

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, the parties hereto agree as follows:

1. That this Second Amendment shall supplement, amend and, to the extent inconsistent herewith, supersede the Original Agreement, as amended. All capitalized words shall have the meanings ascribed to them in the Original Agreement unless otherwise indicated herein.
2. That Section 3.2 of the Original Agreement, as amended, is hereby further amended and replaced in its entirety with the following:

3.2 Termination. In the event that Developer fails to meet the Public Financing Conditions set forth in Section 3.1 above on or prior to March 1, 2026, then either party hereto shall have the right to terminate this Agreement, but any failure to meet any such conditions shall not be an event of default hereunder. Upon any such termination of this Agreement, (i) this Agreement shall terminate, and (ii) except as specifically set forth herein, the parties hereto shall have no further duty, obligation, or liability each to the other hereunder, and without limiting the generality of the foregoing, Developer shall be solely liable and responsible for all of its costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby, and except for the fees and expenses of the UG to be paid for by Developer pursuant to that certain Funding Agreement dated as of May 17, 2021, and the provisions of this Agreement, the UG shall be solely liable and responsible for all costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby.

3. That Section 6.9 of the Original Agreement, as amended, is hereby further amended and replaced in its entirety with the following:

6.9 Commencement Date. Developer hereby agrees that, subject only to Force Majeure, Developer shall commence construction of the Improvements described in Section 2.2 on or before March 1, 2026. For purposes hereof, the words "commence construction" shall be deemed to mean the issuance of a building permit for the Improvements and Developer's undertaking of a program of construction which is continuously pursued to completion.

4. That Section 6.10 of the Original Agreement is hereby further amended and replaced in its entirety with the following:

6.10 Completion Date. Developer hereby agrees that, subject only to Force Majeure, Developer shall Substantially Complete construction of the Improvements described in Section 2.2(a) on or before March 1, 2028.

5. Except as modified by the terms of this Amendment, the Original Agreement shall remain in full force and effect. In the event of conflict between the terms of the Agreement, as amended, and the terms of this Second Amendment, the terms of this Second Amendment shall prevail.

6. In connection with this Second Amendment, the parties hereby agree as follows:

(a) The Recitals set forth above are true and correct and are hereby incorporated by reference.

(b) In the event of any inconsistency between the terms of this Second Amendment and the Original Agreement, as amended, the Second Amendment shall govern and control.

(c) This Second Amendment shall be binding upon and inure to the benefit of the parties hereto, and their successors and assigns.

(d) This Second Amendment may be executed in counterparts.

(e) All remedies set forth in Article 9 of the Agreement shall be made available for the enforcement of this Second Amendment.

(f) This Second Amendment shall be construed in accordance with the laws of the State of Kansas.

[Remainder of page intentionally blank; signature pages follow.]

IN WITNESS WHEREOF, the undersigned have executed this Second Amendment pursuant to due authority as of the date first above written.

UG:

**THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS
CITY, KANSAS**

By: _____

Name: _____

Title: _____

DEVELOPER:

**SUNFLOWER DEVELOPMENT
GROUP, LLC**

By: _____

Name: _____

Title: _____



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

August 20, 2024

Ms. Monica Sparks
Interim Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **WIDNER ESTATES**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of **WIDNER ESTATES** located at 1435 and 1501 South 88th Street and being developed by Jason Widner.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

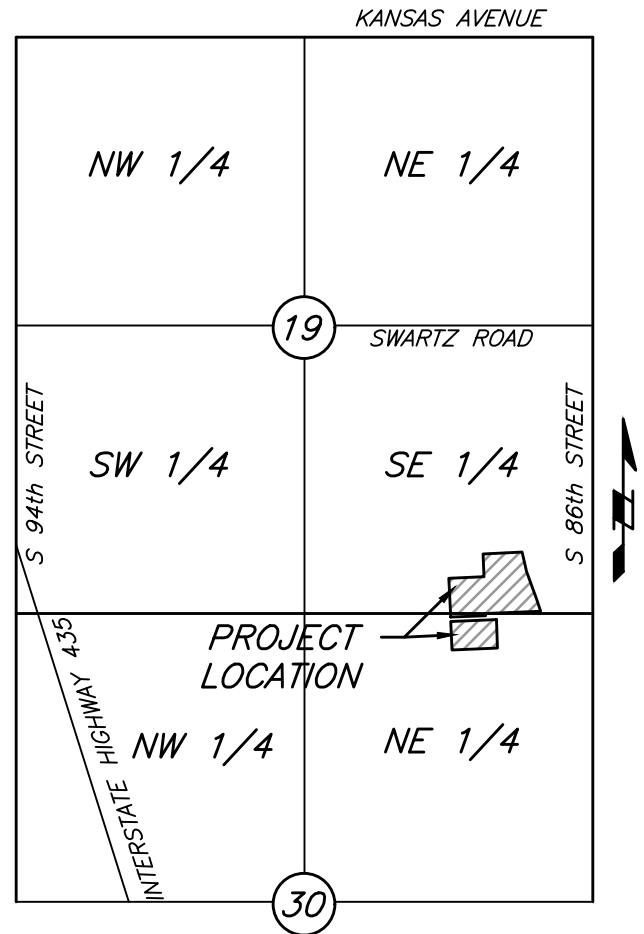
Brent E. Thompson, P.S.
County Surveyor

Digitally signed by Troy
Shaw
Date: 2024.08.21
13:38:47-05'00'

Troy Shaw, P.E.
County Engineer

Attachments

FINAL PLAT
WIDNER ESTATES
SE 1/4, SECTION 19, TOWNSHIP 11 SOUTH, RANGE 24 EAST
NE 1/4, SECTION 30, TOWNSHIP 11 SOUTH, RANGE 24 EAST
KANSAS CITY, WYANDOTTE COUNTY, KANSAS



VICINITY MAP
SEC. 19-11-24
SEC. 30-11-24
N.T.S.

REGISTER OF DEEDS:

State of Kansas)
County of Wyandotte) ss

This is to certify that this instrument was filed for record in the Register of Deeds office on this ____ day of _____ 2024, at _____ o'clock and is duly recorded.

Nancy Burns-Register of Deeds Susan Nelson-Deputy Register of Deeds

APPROVALS:

This Plat of "WIDNER ESTATES" has been submitted and approved by the Unified Government of Wyandotte County and the Kansas City, Kansas Planning Commission.

Dated this ____ day of _____ 2024
Unified Government of Wyandotte County, Kansas City, Kansas Planning Commission

BY: _____ BY: _____
Jeff Carson, Chairman Gunnar Hand Director, AICP/Secretary

Recommended for approval by the County Engineer, this day ____ of _____ 2024

Troy Shaw County Engineer

This survey has been reviewed for filing, pursuant to KSA 58-2003, 58-2005, and 58-2011, for content only and is in compliance with those provisions. No other warranties are extended or implied.

Reviewed by: _____ Date _____
Brent E. Thompson KS P.L.S. 1277

The dedications shown hereon, if any, are accepted this ____ day of _____ 2024

Tyrone Garner Mayor/CEO Monica Sparks, Interim Unified Clerk

PROPERTY DESCRIPTION:

A Tract of land being all of Lots 63, 64 and 65, in OAK KNOLL, a subdivision of land, part of Lot 5, HIGHLAND MEADOWS, a subdivision of land, and a part of the Southeast Quarter of Section 19, and the Northeast Quarter of Section 30, all in Township 11 South, Range 24 East, in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Commencing at the Southwest corner of the East half of said Southeast Quarter; Thence North 87°43'32" East, along the South line of said Southeast Quarter, 25.00 feet, to the East Right-of-Way line of 88th Street, as now established, and the Point of Beginning; Thence North 02°36'06" West, along said East Right-of-Way line, 377.00 feet; Thence North 87°43'32" East, 320.89 feet, to the West line of said Lot 5; Thence North 02°36'06" West, along said West line, 210.00 feet, to the Northwest corner of said Lot 5; Thence North 87°14'10" East, along the North line of said Lot 5, 360.79 feet, to the Northeast corner of parcel 5B of a Certificate of Survey, Lot 5, HIGH MEADOWS, recorded in Document number 2017R-06445; Thence along the East line of said parcel 5B the following three (3) courses; Thence South 11°57'26" East, 184.28 feet; Thence South 20°19'24" East, 265.79 feet; Thence South 18°46'38" East, 120.68 feet, to the Southeast corner of said parcel 5B and the North Right-of-Way line of Metropolitan Avenue, as now established; Thence South 87°43'37" West, along said North Right-of-Way line, 409.00 feet, to the East line of said Lots 63, 64 and 65 extended North; Thence South 02°22'14" East, along the said East line and the prolongations thereof, 319.87 feet, to the Southeast corner of said Lot 63; Thence South 87°30'14" West, along the South line of said Lot 63, 417.00 feet, to said East Right-of-Way line of 88th Street; Thence North 02°22'14" West, along said East Right-of-Way, 281.47 feet, to the Point of Beginning. Contains 475,051 square feet or 10.91 acres more or less.

PLAT DEDICATION:

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

IN TESTIMONY WHEREOF:

Jason J. Widner, has caused these presents to be executed this ____ day of _____ 2024,

State of _____)
County of _____) ss

Be it remembered that on this ____ day of _____ 2024, before me, a notary public in and for said County and State, came Jason J. Widner, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Jason J. Widner Owner

Notary Public

My Appointment Expires _____.

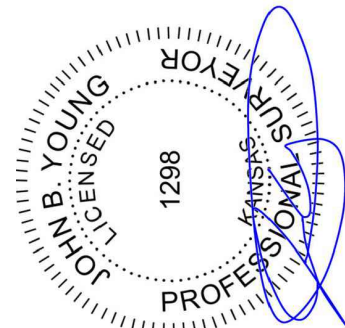
CLIENT:
Jason Widner
jwidner@arco1.com

PROPERTY ADDRESS:
1435 & 1501 S 88th Street
Kansas City, Kansas 66111

GENERAL SURVEY NOTES:

- The plat of HIGH MEADOWS is recorded in Plat Book 36 at Page 52 in the Register of Deeds Office in Wyandotte County, Kansas.
- The plat of OAK KNOLL is recorded in Plat Book 16 at Page 521 in the Register of Deeds Office in Wyandotte County, Kansas.
- Deed of record is recorded in Instrument No. 2017R-08663, dated 06/16/2017 in the Register of Deeds Office, Wyandotte County, Kansas
- Deed of record is recorded in Instrument No. 2017R-08633, dated 06/15/2017 in the Register of Deeds Office, Wyandotte County, Kansas
- There was no Title Report provided at the time of the survey.
- Basis of bearings was established by Kansas State Coordinate System by GPS observations.
- The subject property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on Flood Insurance Rate Map (FIRM) 20209C0133E, effective September 2, 2015.
- The plat of CERTIFICATE OF SURVEY, LOT 5, HIGH MEADOWS is recorded in Document No. 2017R-06445 in the Register of Deeds Office in Wyandotte County, Kansas.

CERTIFICATION:
I hereby certify that this drawing is based on an actual field survey made by me or under my direct supervision on the 30th day of November, 2023 and that the results are correctly shown and said survey meets or exceeds the current Kansas Minimum Standards for a Plat or Certificate of Survey, to the best of my knowledge and belief.



1-10-24
Date

John B. Young PLS-1288



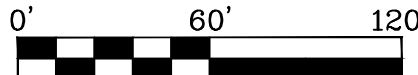
8680A N. GREEN HILLS ROAD • KANSAS CITY, MO 64154
PHONE (816) 741-1017 • FAX (816) 741-1018

Location: S:\23.465 - 1435 & 1501 S 88th SW\DRAWINGS\2023.12.28 NEW FINAL\23.465- FINAL PLAT.dwg-Jan 10, 2024-9:28am

01-10-24

INITIAL SUBMITTAL

1

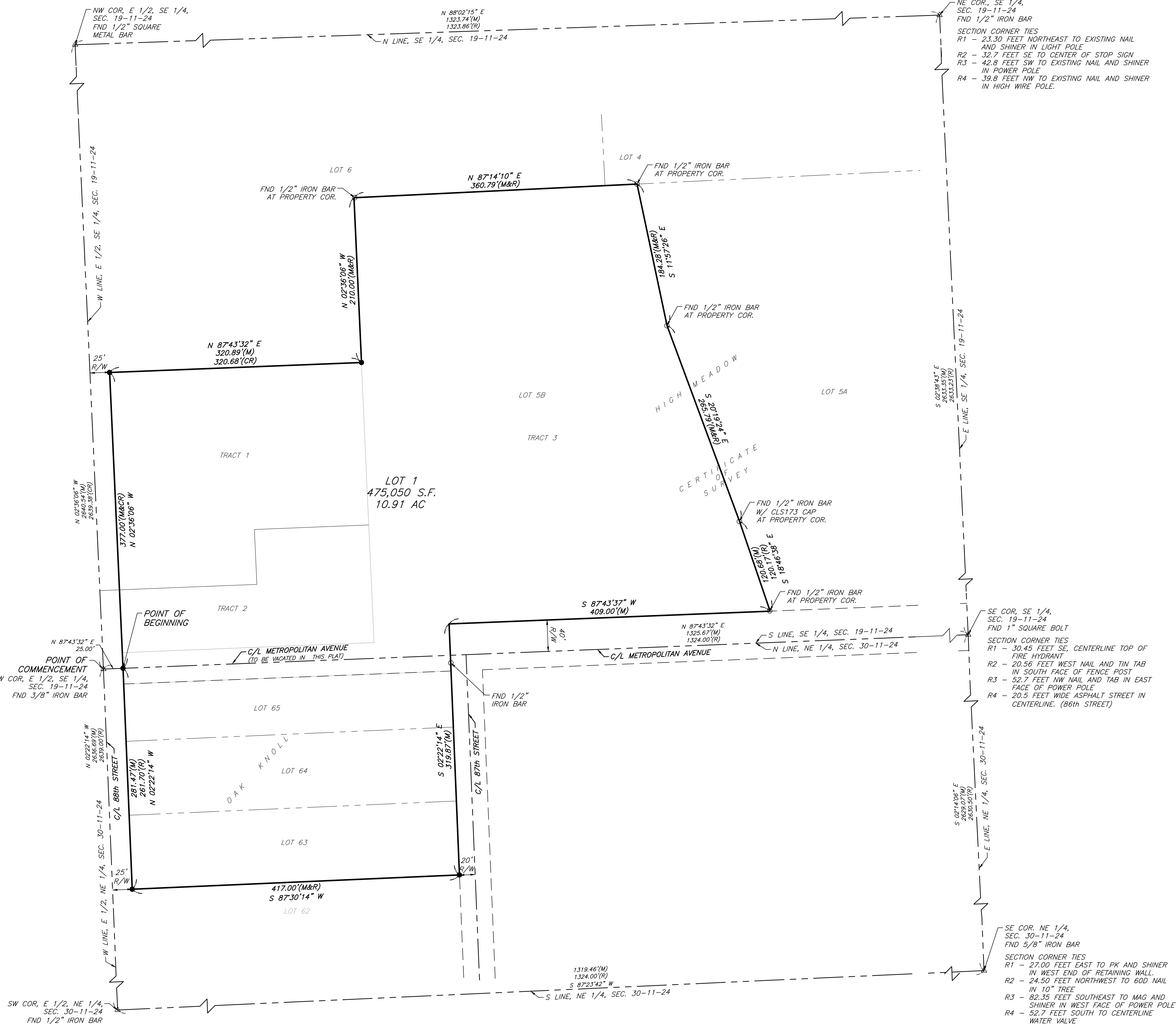


LEGEND

- △ - SECTION CORNER AS NOTED
- - FOUND 1/2" IRON BAR AT CORNER UNLESS OTHERWISE NOTED
- - SET 1/2" IRON BAR AT CORNER W/ J & J CAP
- (M) - MEASURED DISTANCE
- (R) - RECORD DISTANCE
- (CR) - CALCULATE FROM RECORD
- C/L - CENTER LINE
- R/W - RIGHT-OF-WAY

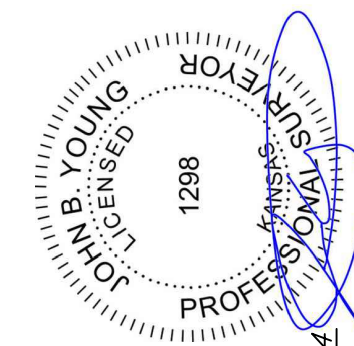
CLOSURE CALCULATIONS:

Precision, 1 part in: 326,600
Error distance: 0.01'
Error direction: S 51°47'41" W
Perimeter: 3,266'



CERTIFICATION:

CERTIFICATION:
I hereby certify that this drawing is based on an actual field survey made by me or under my direct supervision on the 30th day of November, 2023 and that the results are correctly shown and said survey meets or exceeds the current Kansas Minimum Standards for a Plat or Certificate of Survey, to the best of my knowledge and belief.



1-10

John B. Young PLS-1298

location: S:\23,465 - 1435 & 1501 S 88th S\DRAWINGS\2023.12.28 NEW FINAL PLAT.dwg-Jan 10, 2024-9:27am



6680A N. GREEN HILLS ROAD • KANSAS CITY, MO 64154
PHONE (816)741-1017 • FAX (816)741-1018

[illegible]



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

August 20, 2024

Ms. Monica Sparks
Interim Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **CUNNINGHAM ACRES**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of **CUNNINGHAM ACRES** located at 8 South 86th Street and being developed by Shayla Cunningham.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

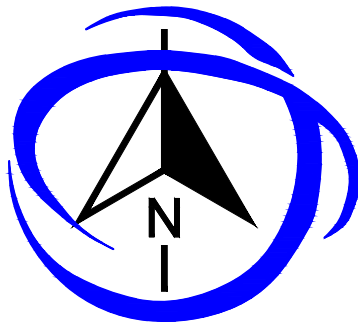
Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Digitally signed by
Troy Shaw
Date: 2024.08.21
13:40:10-05'00'

Troy Shaw, P.E.
County Engineer

Attachments



- FOUND 1/2" REBAR
NORTHEAST CORNER SEC 18-11S-24E (053)
- 24.82' NW TO CENTER OF WATER VALVE
 - 36.80' NE TO SOUTHWEST CORNER OF STOP SIGN POST
 - 44.90' SE TO NAIL IN THE NE SIDE OF POWER POLE
 - 47.00' SW TO MAG NAIL IN NORTH SIDE OF POWER POLE

CUNNINGHAM MEADOW

A TRACT OF LAND IN NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 24 EAST, OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

DESCRIPTION PER TITLE COMMITMENT, FILE NO.: L24-29664 DATED JANUARY 26, 2024 AT 08:00 AM VIA MCCAFFREE-SHORT TITLE COMPANY, INC.

TRACT A:
A TRACT OF LAND LYING AND SITUATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 24 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID TRACT AS SURVEYED BY STEVEN C. SHAFER, PLS 852, WITH BHC, CLS 175, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
(NOTE: FOR COURSE ORIENTATION THE BEARINGS IN THIS DESCRIPTION ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 24 EAST, HAVING A BEARING OF NORTH 02°11' 52" WEST, AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS AND REFERENCED TO THE KANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83)
COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 18, TOWNSHIP 11 SOUTH, RANGE 24 EAST, MONUMENTED BY A FOUND 1/2 INCH REINFORCING ROD; THENCE SOUTH 02°01'52" EAST, 275.00 FEET, ON THE EAST LINE OF SAID SECTION 18; THENCE SOUTH 88°21'03" WEST, 30.00 FEET, POINT OF BEGINNING, OF THE TRACT OF LAND HEREIN DESCRIBED, SAID POINT BEING MONUMENTED BY A SET 1/2-INCH REINFORCING ROD WITH CAP MARKED KS CLS 175; THENCE SOUTH 02°01'52" EAST 282.50 FEET, ON THE WEST RIGHT OF WAY LINE OF 86TH STREET; THENCE SOUTH 88°21'03" WEST, 724.00 FEET ON THE NORTH RIGHT OF WAY LINE OF LOWELL AVENUE; THENCE NORTH 02°01'52" WEST, 557.50 FEET; THENCE SOUTH 88°21'03" WEST, 73.53 FEET; THENCE NORTH 02°01'52" WEST, 105.00 FEET; THENCE NORTH 88°21'03" EAST, 182.00 FEET; THENCE NORTH 57°20'48" EAST, 262.07 FEET; THENCE NORTH 88°21'03" EAST, 390.00 FEET, TO SAID WEST RIGHT OF WAY LINE; THENCE SOUTH 02°01'52" EAST, 135.00 FEET ON SAID WEST LINE; THENCE SOUTH 88°21'03" WEST, 390.00 FEET, ON THE NORTH LINE OF A TRACT OF LAND DESCRIBED BY A WARRANTY DEED IN BOOK 4161, PAGE 165, RECORDED MARCH 2, 2000; THENCE SOUTH 02°01'52" EAST, 105.00 FEET, ON THE WEST LINE OF SAID WARRANTY DEED; THENCE SOUTH 88°21'03" WEST, 85.50 FEET; THENCE SOUTH 02°01'52" EAST, 275 FEET; THENCE NORTH 88°21'03" EAST, 475.50 FEET, TO THE POINT OF BEGINNING. ALSO KNOWN AS TRACT A OF ADMINISTRATIVE LAND DIVISION SURVEY, RECORDED APRIL 21, 2021 AS DOCUMENT NO. 2021R-07092.

DESCRIPTION PER TITLE COMMITMENT, FILE NO.: L24-29663 DATED JANUARY 26, 2024 AT 08:00 AM VIA MCCAFFREE-SHORT TITLE COMPANY, INC.

TRACT B:
A TRACT OF LAND LYING AND SITUATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 24 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID TRACT AS SURVEYED BY STEVEN C. SHAFER, PLS 852, WITH BHC, CLS 175, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FOR COURSE ORIENTATION THE BEARINGS IN THIS DESCRIPTION ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 24 EAST, HAVING A BEARING OF NORTH 02° 01' 52" WEST, AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS AD REFERENCED TO THE KANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83.)
COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 18, TOWNSHIP 11 SOUTH, RANGE 24 EAST, MONUMENTED BY A FOUND 1/2 INCH REINFORCING ROD; THENCE SOUTH 02°01'52" EAST, 275.00 FEET, ON THE EAST LINE OF SAID SECTION 18; THENCE SOUTH 88°21'03" WEST, 30.00 FEET, TO THE POINT OF BEGINNING, SAID POINT BEING MONUMENTED BY A SET 3/2-INCH REINFORCING ROD WITH CAP MARKED KS CLS 155; THENCE SOUTH 88°21'03" WEST, 475.00 FEET; THENCE NORTH 88°21'03" EAST, 182.00 FEET; THENCE NORTH 57°20'48" EAST, 262.07 FEET; THENCE NORTH 88°21'03" EAST, 390.00 FEET TO THE POINT OF BEGINNING. ALSO KNOWN AS TRACT B OF ADMINISTRATIVE LAND DIVISION SURVEY, RECORDED APRIL 21, 2021 AS DOCUMENT NO. 2021R-07092.

SURVEYOR'S SUGGESTED:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 24 EAST, OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, PREPARED BY ANDREA N. WEISHAUBT, PLS 1730, DATED FEBRUARY 22, 2024; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 18; THENCE NORTH 02°01'52" WEST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1320.06 FEET; THENCE SOUTH 87°12'12" WEST, A DISTANCE OF 30.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 86TH STREET AS IT NOW EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE SOUTH 02°01'52" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 557.50 FEET; THENCE SOUTH 88°12'03" WEST, A DISTANCE OF 724.00 FEET; THENCE NORTH 02°01'52" WEST, A DISTANCE OF 557.50 FEET; THENCE SOUTH 88°20'50" WEST, A DISTANCE OF 73.53 FEET; THENCE NORTH 02°01'52" WEST, A DISTANCE OF 105.00 FEET; THENCE NORTH 88°21'03" EAST, A DISTANCE OF 182.00 FEET; THENCE NORTH 57°20'48" EAST, A DISTANCE OF 262.07 FEET; THENCE NORTH 88°21'03" EAST, A DISTANCE OF 390.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID 86TH STREET; THENCE SOUTH 02°01'52" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 135.00 FEET; THENCE SOUTH 88°21'03" WEST, A DISTANCE OF 390.00 FEET; THENCE SOUTH 02°01'52" EAST, A DISTANCE OF 105.00 FEET; THENCE NORTH 88°21'03" EAST, A DISTANCE OF 390.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 514,278.82 SQFT OR 11.81 ACRES MORE OR LESS.

DEDICATION:

THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "CUNNINGHAM MEADOW"

An easement is hereby granted to the Unified Government of Wyandotte County/Kansas City, Kansas, to enter upon, construct, maintain, use and authorize the location, of conduits for providing water, gas, cable, electric, sewers, and other utility services, including related facilities and appurtenances thereto, and drainage facilities, upon, under, over and across those areas outlined and designated on this plat as "Utility Easement" or "U/E", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Kansas City, Kansas.

In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interest shown as vacated with this plat shall be vacated as to use and as to title, upon filing and recording of this plat. The proprietors, successors, and assigns, of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the Unified Government of Wyandotte County/Kansas City, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.

The undersigned proprietors of the above described land hereby consents and agrees the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or part thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of that land fronting or abutting on such dedicated public ways or thoroughfares.

IN TESTIMONY WHEREOF,
I, undersigned owner of **CUNNINGHAM MEADOW** have set our hands this ____ day of _____, 2024.

SHAYLA M CUNNINGHAM, OWNER

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF

BE IT REMEMBERED THAT ON THIS ____ DAY OF _____, 2024, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME SHAYLA M CUNNINGHAM, OWNER, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC _____

My Commission Expires: _____

THIS PLAT OF **CUNNINGHAM MEADOW** HAS BEEN SUBMITTED TO AND APPROVED BY THE
UNIFIED GOVERNMENT OF WYANDOTTE/KANSAS CITY, KANSAS, PLANNING COMMISSION

DATED THIS ____ DAY OF _____, 2024
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PLANNING COMMISSION

BY _____, CHAIRMAN
JEFF CARSON

_____, SECRETARY
GUNNAR HAND, AICP

THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED THIS ____ DAY OF _____, 2024.

TYRONE GARNER, MAYOR/CEO

MONICA SPARKS, INTERIM UNIFIED CLERK

RECOMMENDED FOR APPROVAL BY THE WYANDOTTE COUNTY ENGINEER, THIS
DAY OF _____, 2024.

TROY SHAW, P.E., COUNTY ENGINEER

IN TESTIMONY WHEREOF,
I, undersigned owner of **CUNNINGHAM MEADOW** have set our hands this ____ day of _____, 2024.

CALVIN G DAVIS, OWNER

JOSLYN M DAVIS, OWNER

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF

BE IT REMEMBERED THAT ON THIS ____ DAY OF _____, 2024, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME CALVIN G & JOSLYN M DAVIS, OWNER, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC _____

My Commission Expires: _____

COUNTY SURVEYOR APPROVAL:

THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSA 58-2003, 58-2005, AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

REVIEWED BY _____ DATE: _____
BRENT E. THOMPSON, KS P.L.S. 1277

STATE OF KANSAS
COUNTY OF)
)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS ____ DAY OF _____, 20____, AT ____ O'CLOCK AND IS DULY RECORDED.

SUSAN P. NELSON, REGISTER OF DEEDS

MARGARET A. ORENDAC, DEPUTY



KS ENG COA. #3315
KS SUR COA. #363
MO ENG COA. #33201484
MO SUR COA. #33201431

ALC

ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

FINAL PLAT

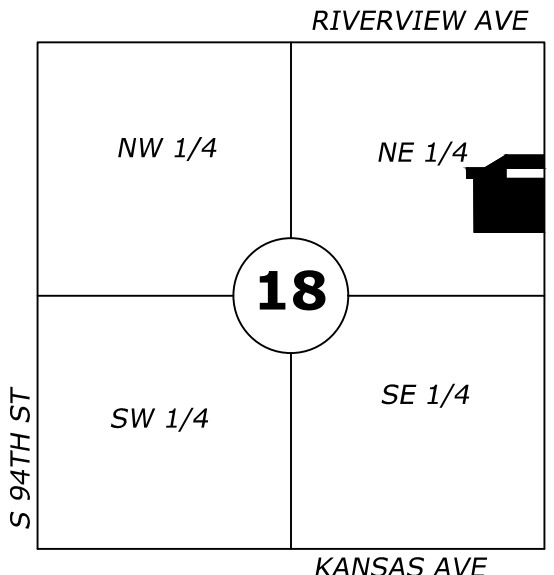
LEGEND

- DENOTES SET 1/2" REBAR ALC KS CLS 363 MO CLS 2022014231
- DENOTES FOUND PROPERTY CORNER AS NOTED
- S/L SETBACK LINE
- U/E UTILITY EASEMENT
- (M) MEASURED
- (D) DEEDED
- (P) PLATTED
- (C) CALCULATED

GENERAL NOTES

- THE BASIS FOR THE BEARING SYSTEM FOR THIS SURVEY IS KANSAS NORTH ZONE U.S. STATE PLANE 1983
- ALL DISTANCES SHOWN HEREON ARE IN FEET
- KS ONE-CALL WAS NOT CALLED ON THIS SURVEY
- REFERENCED SURVEY
-ADMINISTRATIVE LAND DIVISION SURVEY BY BHC DOC #2021R-07092
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 2020C0132D EFFECTIVE SEPTEMBER 2ND, 2011, AREA ZONE "X" AREA OF MINIMAL FLOOD HAZARD
- CLOSURE PRECISION: 1 PART IN 5530854.286
- CURRENT ZONING - AG / PROPOSED ZONING - AG
- TITLE COMMITMENT: L24-29664 & L24-29663 DATED JANUARY 26, 2024 VIA MCCAFFREE-SHORT TITLE COMPANY, INC

VICINITY MAP



VICINITY MAP:
SEC 18-11S-24E
1"=2000'

This is to certify on this 21ST day of FEBRUARY, 2024 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ANDREA N. WEISHAUBT LS 1408

JOB NO: 24-014

SCALE



SCALE IN FEET

SEC-TWN-RNG

18-11S-24E

PREPARED FOR

SHAYLA CUNNINGHAM

ADDRESS:
8 S 86TH ST
KANSAS CITY, KS 66111

DATE

FEBRUARY 21, 2024



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

August 20, 2024

Ms. Monica Sparks
Interim Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **BURNS MEADOWS**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of **BURNS MEADOWS** located at the southwest corner of 88th and Swartz road and being developed by Brent and Rex Burns.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Digitally signed by
Troy Shaw
Date: 2024.08.21
13:40:38-05'00'

Troy Shaw, P.E.
County Engineer

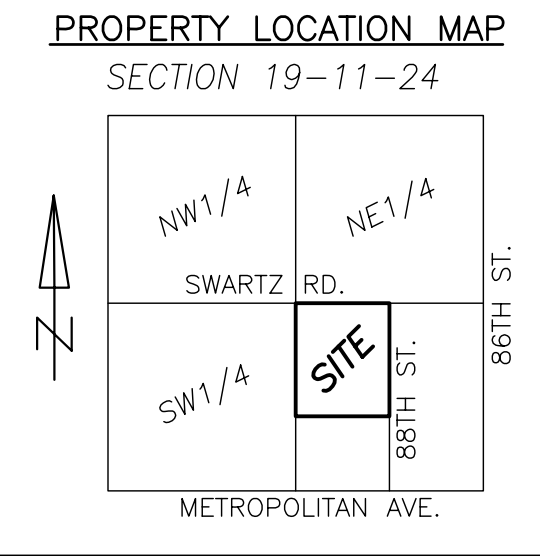
Attachments

REFERENCE TIES - CENTER COR., SEC. 19-11-24
20p Nail & Bottlecap in South face power pole - 49.46' WNW
40d Spike in West face guard rail post - 42.33' ENE
40d Spike & Bottlecap in top guard rail post - 43.68' ESE
40d Spike & Bottlecap in top guard rail post - 13.68' SSE
1/2" I.D. Pipe, 0.2' above ground - 20.03' South
Existing Centerline East/West asphalt roadway - 1.0' South
Fenceline running South, extended - 1.0' East

BURNS MEADOWS

A REPLAT OF LOT 10 AND A PORTION OF LOT 11 OF HIGH MEADOWS,
A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 9 SOUTH,
RANGE 24 EAST OF THE SIXTH P.M., KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

FINAL PLAT



AMERICAN SURVEYING

Steve Tufte & Garret Tufte
7531 US 59 Hwy, Oskaloosa, Kansas 66066
785-231-8090 785-231-9903

ADDRESS: 8801 SWARTZ RD., KANSAS CITY, KS
DATE OF SURVEY: 2/13/24 JOB NO: WY2-102523
ORDERED BY: BRENT BURNS, OWNER

OWNERS: BRENT BURNS & REX J. BURNS
1331 S. 88TH ST.
EDWARDSVILLE, KS 66111

DESCRIPTION

Lot 10 and the North 242.89 feet of Lot 11, of High Meadows, a subdivision in the Southeast Quarter of Section 19, Township 11 South, Range 24 East of the Sixth P.M., Wyandotte County, Kansas, more particularly described by Stephan Tufte, Kansas PS No. 1252, on March 26th, 2024, as follows: Commencing at the Northwest corner of said Southeast Quarter; thence S02°32'56"E along the West line of said Southeast Quarter 30.00 feet for the Point of Beginning; thence N88°02'56"E along the Southerly right-of-way line of Swartz Road, parallel with the North line of said Southeast Quarter 1293.99 feet to the Westerly right-of-way line of 88th Street, thence S02°34'33"E along said Westerly right-of-way line, parallel with the East line of the Northwest Quarter of said Southeast Quarter 1279.01 feet to the South line of the North 242.89 feet of Lot 11, High Meadows Subdivision; thence S87°26'03"W along said South line 1294.52 feet to the Southwest corner of the Northwest Quarter of said Southeast Quarter; thence N02°32'56"W along the West line of said Southeast Quarter 1292.89 feet to the Point of Beginning, containing 38.21 acres, more or less. Subject to easements of record.

FORMERLY DESCRIBED AS:

(Recorded in Book 4014, Page 648)
HIGH MEADOWS L10, N242.89 Ft. L11 Cont. 37.93AC M/L

LEGEND

- = FOUND 1/2" SQ. REBAR
SET IN CONCRETE,
UNLESS NOTED OTHERWISE
- = FOUND 1/2" I.D. PIPE
- △ = FOUND 5/8" REBAR,
W/ 2" ALUM. CAP
- = SET 1/2" X 24" REBAR
W/ CAP NO. 1252
- R/W = ROAD RIGHT-OF-WAY
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- C = CALCULATED DIMENSION
- M = MEASURED DIMENSION
- D = DIMENSION AS SHOWN IN
REFERENCED DEED DESCRIPTION
- PL = DIMENSION AS SHOWN ON
PLAT OF HIGH MEADOWS SUBD.
- UE = UTILITY EASEMENT,
DEDICATED THIS PLAT
- ⊕ = CENTERLINE
- = FENCE

SCALE
0' 50' 100'
1" = 100'

BEARINGS ARE ASSUMED
ORIGIN OF MONUMENTS UNKNOWN
UNLESS NOTED OTHERWISE

NOTE:
UTILITY LOCATIONS ARE APPROXIMATE

REFERENCE DOCUMENTS

DEED OF OWNERSHIP, DATED 8/19/1998,
RECORDED IN BOOK 4014, PAGE 648.
PLAT OF HIGH MEADOWS SUBDIVISION, BY N.E. HOLMES,
DATED 9/20/1988, RECORDED IN PLAT BOOK 36, PAGE 52.

NOTES

ALL LOTS ARE ZONED AGRICULTURAL (AG-1)
PROPERTY IS NOT WITHIN A FEMA DESIGNATED FLOOD ZONE
(ZONE "X", AS PER FEMA FLOOD MAP NO. 20209C0133E)

THIS PLAT OF BURNS MEADOWS HAS BEEN SUBMITTED TO AND APPROVED BY THE
UNIFIED GOVERNMENT OF WYANDOTTE/KANSAS CITY, KANSAS, PLANNING COMMISSION.

DATED THIS ____ DAY OF _____, 2024.

BY _____, Chairman
Jeff Carson

AND _____, Secretary
Gunnar Hand, AICP

THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED
THIS ____ DAY OF _____, 2024.

Tyrone Garner, Mayor/CEO

Monica Sparks, Interim Unified Clerk

RECOMMENDED FOR APPROVAL BY THE WAYANDOTTE COUNTY ENGINEER.

THIS ____ DAY OF _____, 2024.

Troy Shaw, P.E., County Engineer

COUNTY SURVEYOR APPROVAL:

THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSA 58-2003, 58-2005,
AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS.
NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

REVIEWED BY _____ DATE: _____
Brent E. Thompson, KS P.L.S. 1277

LOT 1 DESCRIPTION

Lot 1 of Burns Meadows, a subdivision located in the Southeast Quarter of
Section 19, Township 11 South, Range 24 East, Kansas City, Wyandotte County,
Kansas, containing 5.00 acres, more or less. Subject to easements of record.

LOT 2 DESCRIPTION

Lot 2 of Burns Meadows, a subdivision located in the Southeast Quarter of
Section 19, Township 11 South, Range 24 East, Kansas City, Wyandotte County,
Kansas, containing 5.00 acres, more or less. Subject to easements of record.

LOT 3 DESCRIPTION

Lot 3 of Burns Meadows, a subdivision located in the Southeast Quarter of
Section 19, Township 11 South, Range 24 East, Kansas City, Wyandotte County,
Kansas, containing 5.00 acres, more or less. Subject to easements of record.

LOT 4 DESCRIPTION

Lot 4 of Burns Meadows, a subdivision located in the Southeast Quarter of
Section 19, Township 11 South, Range 24 East, Kansas City, Wyandotte County,
Kansas, containing 23.21 acres, more or less. Subject to easements of record.

OWNER'S CERTIFICATE

This is to certify that the undersigned are the owners
of the above described parcel of land and have caused
the same to be subdivided into lots as shown on this plat,
which shall be known as Burns Meadows, a subdivision
in Wyandotte County, Kansas.

Road right-of-way on this plat is hereby dedicated to
the public.

An easement to the public to locate, construct and maintain
or authorize the location, construction and maintenance
of poles, wires, conduits, water, gas and sewer pipes or
required drainage channels or structures upon, over, under
and along the areas marked for easements on this plat, is
hereby granted.

IN WITNESS WHEREOF:

Brent K. Burns and Rex J. Burns have caused these presents
to be signed this ____ day of _____, 2024.

Brent K. Burns

Rex J. Burns

STATE OF KANSAS, COUNTY OF JEFFERSON, ss:

Be it remembered that on this ____ day of _____,
2024, before me, a notary public
in and for said County and State, came Brent K. Burns
and Rex J. Burns, to me personally known to be the same
persons who executed the foregoing instrument of writing
and duly acknowledged the execution of the same to be
their voluntary act and deed.

In testimony whereof, I have hereunto set my hand and
affixed my notarial seal the day and year written.

Notary Public

SURVEYOR'S CERTIFICATE

I certify that this plat map and the survey on
which it is based, were prepared and conducted
by me or under my direct supervision.

Stephan C. Tufte, Kansas PS No. 1252

STATE OF KANSAS)

) SS

COUNTY OF)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE
REGISTER OF DEEDS OFFICE ON THIS ____ DAY OF _____, 2024,
AT ____ O'CLOCK AND IS DULY RECORDED.

Susan P. Nelson, Register of Deeds

Margaret A. Orendac, Deputy



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

August 20, 2024

Ms. Monica Sparks
Interim Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **HOLLINGSWORTH ACRES**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of **HOLLINGSWORTH ACRES** located at 10000 Hollingsworth Road and being developed by Matt Francis.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

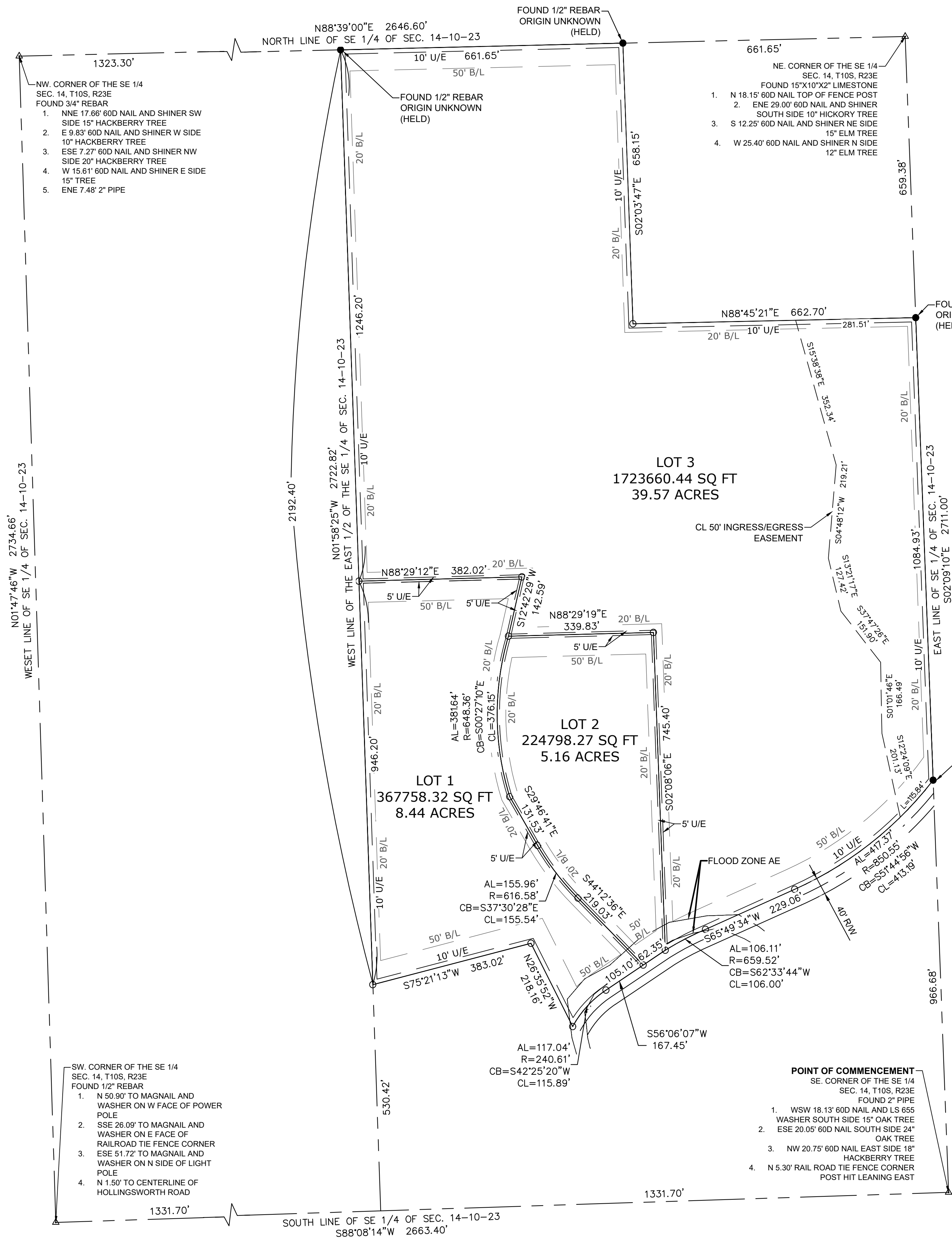
Digitally signed by
Troy Shaw
Date: 2024.08.21
13:39:16-05'00'

Troy Shaw, P.E.
County Engineer

Attachments

HOLLINGSWORTH ACRES

A TRACT OF LAND IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 10 SOUTH, RANGE 23 EAST, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS



SURVEYOR'S SUGGESTED

OVERALL:

A TRACT OF LAND IN THE SOUTHEAST QUARTER SECTION 14, TOWNSHIP 10 SOUTH, RANGE 23 EAST, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY ANDREA N. WEISHAUBT ON NOVEMBER 20TH, 2023, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER; THENCE NORTH 02°09'10" WEST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 966.68 FEET TO THE POINT OF BEGINNING; THENCE ON A NON-TANGENT CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 417.37 FEET, A RADIUS OF 850.55 FEET, AN CHORD BEARING OF SOUTH 51°44'56" WEST, AND A CHORD LENGTH OF 413.19 FEET; THENCE SOUTH 65°49'34" WEST, A DISTANCE OF 229.06 FEET; THENCE ON A CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 106.11 FEET, A RADIUS OF 659.52 FEET, A CHORD BEARING OF SOUTH 62°33'44" WEST, AND A CHORD LENGTH OF 106.00 FEET; THENCE SOUTH 56°06'07" WEST, A DISTANCE OF 167.45 FEET; THENCE ON A CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 117.04 FEET, A RADIUS OF 200.61 FEET, A CHORD BEARING OF SOUTH 42°25'20" WEST, AND A CHORD LENGTH OF 115.89 FEET; THENCE NORTH 20°58'52" WEST, A DISTANCE OF 218.16 FEET; THENCE SOUTH 75°21'13" WEST, A DISTANCE OF 383.02 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 01°58'25" WEST, ALONG SAID WEST LINE, A DISTANCE OF 2192.39 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST 1/4; THENCE NORTH 88°39'00" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 661.65 FEET; THENCE SOUTH 02°03'47" EAST, A DISTANCE OF 658.15 FEET; THENCE NORTH 88°45'21" EAST, A DISTANCE OF 662.70 FEET TO A POINT ON SAID EAST LINE; THENCE SOUTH 02°09'10" EAST, ALONG SAID EAST LINE, A DISTANCE OF 1084.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,316,217.02 SQFT OR 53.17 ACRES MORE OR LESS.

DESCRIPTION OF DEED, DOC.: 2018R-00314

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 10, RANGE 23 IN THE CITY OF 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 SOUTH 88°38'20" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,333.88 FEET; THENCE NORTH 01°38'15" WEST, A DISTANCE OF 1235.26 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE CONTINUING NORTH 01°38'12", A DISTANCE OF 193.60 FEET; THENCE NORTH 88°21'45" EAST, A DISTANCE OF 450.00 FEET; THENCE SOUTH 01°38'15" EAST, A DISTANCE OF 193.60 FEET; THENCE SOUTH 88°21'45" WEST, A DISTANCE OF 450.00 FEET TO THE POINT OF BEGINNING.

DEDICATION:

THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "HOLLINGSWORTH ACRES"

An easement is hereby granted to the Unified Government of Wyandotte County/Kansas City, Kansas, to enter upon, construct, maintain, use and authorize the location, of conduits for providing water, gas, cable, electric, sewers, and other utility services, including related facilities and appurtenances thereto, and drainage facilities, upon, under, over and across those areas outlined and designated on this plat as "Utility Easement" or "U/E", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Kansas City, Kansas.

In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interest shown as vacated with this plat shall be vacated as to use and as to title, upon filing and recording of this plat. The proprietors, successors, and assigns, of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the Unified Government of Wyandotte County/Kansas City, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.

The undersigned proprietors of the above described land hereby consents and agrees the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or part thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of that land fronting or abutting on such dedicated public ways or thoroughfares.

IN TESTIMONY WHEREOF,

I, undersigned owner of **HOLLINGSWORTH ACRES** have set our hands this _____ day of _____, 202__.

MACHINERY CONSULTANTS AND DEVELOPMENT, INC, OWNER - MATTHEW FRANCIS

ACKNOWLEDGEMENT:

STATE OF KANSAS

COUNTY OF

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 202__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME **MACHINERY CONSULTANTS AND DEVELOPMENT, INC, OWNER - MATTHEW FRANCIS**, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC _____

My Commission Expires: _____

THIS PLAT OF **HOLLINGSWORTH ACRES** HAS BEEN SUBMITTED TO AND APPROVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE/KANSAS CITY, KANSAS, PLANNING COMMISSION

DATED THIS _____ DAY OF _____, 202__,
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PLANNING COMMISSION

BY _____, CHAIRMAN

JEFF CARSON

_____, SECRETARY

GUNNAR HAND, AICP

THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED THIS _____ DAY OF _____, 202__.

TYRONE GARNER, MAYOR/CEO

MONICA SPARKS, INTERIM UNIFIED CLERK

RECOMMENDED FOR APPROVAL BY THE WYANDOTTE COUNTY ENGINEER, THIS _____ DAY OF _____, 202__.

TROY SHAW, P.E., COUNTY ENGINEER

COUNTY SURVEYOR APPROVAL:
THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSA 58-2003, 58-2005, AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

REVIEWED BY _____ DATE: _____
BRENT E. THOMPSON, KS P.L.S. 1277

STATE OF (KANSAS))SS

COUNTY OF)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS _____ DAY OF _____, 20__, AT _____ O'CLOCK AND IS DULY RECORDED.

SUSAN P. NELSON, REGISTER OF DEEDS

MARGARET A. ORENDAK, DEPUTY



FINAL PLAT

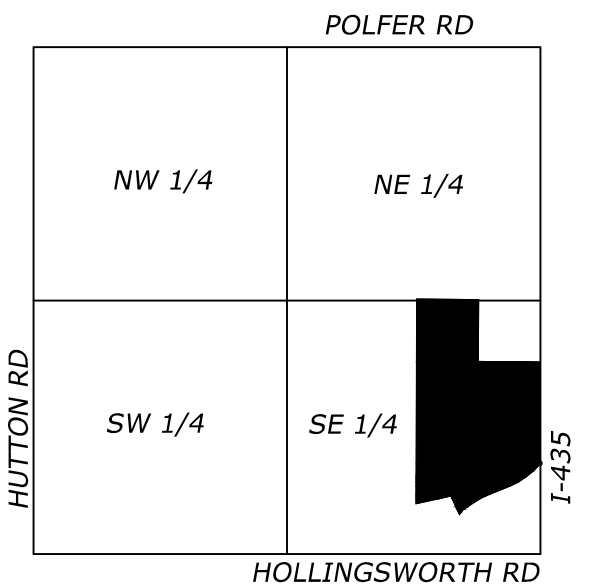
LEGEND

- DENOTES SET 1/2" REBAR WITH CAP ALC KS CLS 363 MO CLS 2022014231
- DENOTES FOUND MONUMENT AS NOTED
- (D) DEEDED
- (M) MEASURED
- △ SECTION CORNER

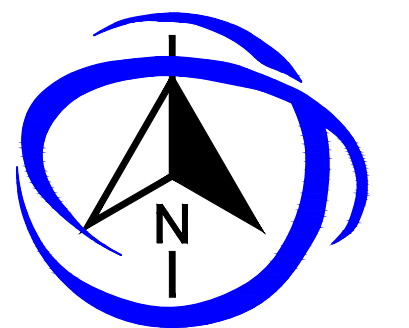
GENERAL NOTES

- THE BASIS FOR THE BEARING SYSTEM FOR THIS SURVEY IS KANSAS NORTH ZONE U.S. STATE PLANE 1983
- ALL DISTANCES SHOWN HEREON ARE IN FEET
- KS ONE WAS NOT CALLED ON THIS SURVEY
- NO TITLE WORK WAS COMPLETED ON THIS SURVEY
- REFERENCE DEEDS
-RIVERHILL ADDITION - BOOK 31 PAGE 1
- THIS PROPERTY DOES NOT LIE WITHIN ZONE "X", AREAS OF MINIMAL FLOOD HAZARD ACCORDING TO THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 20209C0041D, DATED SEPTEMBER 2ND, 2011

VICINITY MAP



VICINITY MAP
NOT TO SCALE



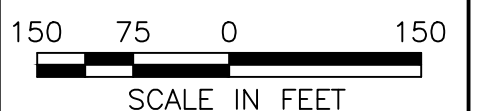
This is to certify on this 17TH day of NOVEMBER, 2023 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ANDREA N. WEISHAUBT

PS 1730

JOB NO: 23-244

SCALE



SCALE IN FEET

SEC-TWN-RNG

14-10-23

PREPARED FOR

MATT FRANCIS

ADDRESS:
10000 HOLLINGSWORTH RD,
KANSAS CITY, KS 66109

DATE

NOVEMBER 20TH, 2023



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

August 26, 2024

Ms. Monica Sparks
Interim Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **MIES FAMILY FOODS**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of **MIES FAMILY FOODS** located at 6036 Speaker Road and being developed by Miles Real Estate.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Digitally signed by
Troy Shaw
Date: 2024.08.26
08:06:17-05'00'

Troy Shaw, P.E.
County Engineer

Attachments

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

SPECIAL MEETING, THURSDAY, JULY 18, 2024

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, July 18, 2024, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second 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; and Garner, Mayor/CEO; presiding. Townsend, Commissioner First District; and Davis, Commissioner Eighth District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Jeff Conway, Assistant Counsel; Kallie McLaughlin, Planning Department, Wendy Green, Deputy Chief Counsel, Shelley Kneuvean, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Director; Michael Peterson, Assistant Budget Director; and Monica L. Sparks, Interim Unified Government Clerk.

Mayor Garner said this is a Special Meeting to be followed up by a Budget meeting.

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. Public comments are allowed, which they shouldn't be tonight. Comments should always be limited to the topic and item of discussion. 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.

AMENDED NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, July 18, 2024, at 4:00 p.m. in the Commission Chambers of the Municipal Office Building regarding: 1. Business Development at 6th & Ann Streets, commonly referred to as the City Hall Apartments and City Hall Lofts. 2. Resolution restating authority of the Board of Commissioners to set overall policy to be immediately followed by a Special Session for a Budget Workshop. Roll call was taken and there were nine “Ayes,” Stites, Bynum, Burroughs, Burns, Ramirez, Hill, Kane, Lopez, 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 afternoon the governing body will be hearing updates regarding the development commonly known as the City Hall Lofts and the City Hall Place projects located at approximately 6th & Ann. Clerk, please announce the revisions.

Monica L. Sparks, Interim Unified Clerk, said we have an Agenda Update that went out that included two revisions. The first one is an Amended Notice of the Special Meeting. The second one was adding an item under the Mayor’s Agenda for a resolution restating the authority of the Unified Government Board of Commissioners to set overall policy.

Mayor’s Agenda:

Item No. 1 – 21254... UPDATE: CITY HALL LOFTS/CITY HALL PLACE PROJECTS

Synopsis: Update regarding permits and paring agreements related to the business development at 6th & Ann Streets, Kansas City, Kansas, commonly known as City Hall Lofts/City Hall Place.

Mayor Garner said the first item is going to be a presentation by staff. I know there’s been a lot of questions about what’s taking place at 6th & Ann with the new development going on there. I know some of our commissioners had concerns. They gave it to our office from Commissioner Burroughs standing committee. We looked into it. We sent it back. There were still more

questions and just so there's complete clarity, not just for this Commission and for staff that may not know, but more importantly, our residents here in Kansas City, Kansas and those individuals that may live within close proximity of that development that is taking place. This special meeting was called so staff could get complete clarity on how we got to that development and where we're at today and what our residents can expect moving forward as a result of what they'll be advising us on this evening.

David Johnston, County Administrator, said we'll start with an overview of the project. Jeff, you're prepared to give us the history.

Jeff Conway, Assistant Counsel, said there is a chronology I think that's been distributed to you about the items that have been run through the process with respect to permitting and all of that. Most of the activity by the UG on this particular project is land entitlements and the permitting process. There were very little items that were sent to the Commission. At one point there was an item for IRBs that was teed up and ready to go for the Economic Development & Finance Committee, but the developer chose to pull that item the night before it was set to go before the committee. For the members that were on that committee that meant that—the Mayor's Office requested a blue sheet to have the matter discussed anyway at the committee hearing and so there was no action item at the committee level and there still isn't.

I don't know about the developer and what they may do, what their plans are. It could very well be that they've sought alternative financing from other locations, possibly private. I'm not sure, but at this point I think we can do an overview. Kallie is here. She's got a chronology of all of the different permitting applications that were filed and reviewed and approved, etc. I can turn it over to her.

Kallie McLaughlin, Planning Department, said to give a brief summary, there were some entitlements made both through the Landmarks Commission and Randy Greeves in our Historic Preservation Office completed. Some of those were done prior to any Planning and Zoning and Board of Commissioners entitlements. Some of them were done kind of running parallel simultaneously together. They are two distinct processes between the historic review and the regular planning entitlements. Once the planning entitlements were completed, both the historic

ones, the non-historic ones, the building permit had a few revisions and then it was subsequently issued.

The building permit was issued July 11, 2024. There was a lot of—a myriad of permits that go along with that, so not just the building permit for what we call like the parent permit for the project, but then there's also the substantial permits that go along with that including Public Works, other trade permits like mechanical, electrical, plumbing, and so on and so forth.

I can give you a little bit more of a breakdown of that entitlement timeline. It begins in October, 2022 and was the earliest application date that we had officially. I know we had some pre-development discussion amongst the department before that just to give them a breakdown of what the process would look like and what those entitlements would entail, but the first official application that came through was for the historic change of zone that we had for that district. That is a different type of change of zone than what goes the traditional Planning & Zoning Commission. This is a change of zone pertaining to historic use, so you will see a second change of zone entitlement on the schedule, but please understand they are the same title, but within different departments, one historic and one not historic.

There was another one that approved more or less the building design itself that was a historic review and then we have some non-historic reviews that include change of zone and preliminary development plans, two Board of Zoning appeals for parking and then a final development plan that comes through. That one is not heard by the Board of Commissioners, but just the Planning Commission itself. After those are complete and all those comments are kind of gathered and the agreements are finalized, they are internalized into the DRC building permit process and presented as comments to complete for the developer to acknowledge. For instance, if we tell you to plant ten trees, do we have ten trees on our building plan, so on and so forth.

The permit as it was issued June 11th, I believe they began construction shortly after which includes some of the site work that you are seeing today such as the job site trailer, the security perimeter, fencing, the erosion control fencing and so on so forth.

Mr. Conway said I did forget to mention that the Board of Commissioners did have kind of a glancing blow on this. The developer at one point was looking at KDFA financing and so we did receive the notice from KDFA that was an option. We just had a similar item before the commissioners last meeting, something like that, but we did receive the notification from KDFA.

Under the statute the local has 15 days to express disapproval. We received the notice March 6th. We scrambled and put it on the March 7th full commission meeting. It was an item the Board of Commissioners decided to not express disapproval on the project. Those 15 days have now run, of course, and so that's another piece of the puzzle.

Mayor Garner said I think I'll start off with some of the questions. The concerns that were brought to my office to work with and thank you Legal team and our Administrator for working with my staff to hopefully get the questions that were raised to my office, both from the public as well as some of our commissioners. I guess the biggest question out there came up as we were going through this was the parking and there's a perception that we know that the Board of Zoning, BOZA, they approved a reduction in the amount of spaces that were required for that development for parking or something along that line. Is that correct? **Ms. McLaughlin** said yes, it is correct. There was two separate BOZA applications or variance appeals as we call them. The first appeal was not approved. I think there was some neighborhood concerns about the distance to the proposed parking lot. After that, there was some additional discussions about what alternative proposals would include. I believe you may have seen some things about Kinship Café and so on and so forth during that time and I know that's kind of about the timeframe when those discussions were being held. The developer came back with the alternative proposal which included that parking agreement that was then later approved and finalized.

Mayor Garner asked, how many spaces did we—as part of that variance, what did we go from and scale it down to? **Ms. McLaughlin** said off the top of my head I'm not entirely sure what the finalized count was. I was not the planner on that, but I can look that up for you shortly. **Mayor Garner** said okay, that would be great.

I don't think the concern was what BOZA did or didn't do as far as the parking. I think the biggest concern that I've gotten from some of our commissioners and some folks in the community was that there was some level of agreement made to use Public Health Department parking spaces as part of this development agreement with this private developer. Is that correct? **Mr. Conway** said that is correct. There was an agreement that was reached. Part of the conditions was BOZA wanted to see the total number of parking spaces, so there was a lot—I can't remember exactly the number, but it's—or the name. There's six over by—I just call over by the Merc and so there were some spots over there and then there were some Health Department spots. I believe

that they were unused. They're largely unused. They were observed for like a week and just looked like there was a bank of 10 or 12 or something spots. None of these are exclusive spots and they're not identified. There's no signage that says that this is going to be a particular residence spot or anything like that, so it's kind of first come first serve. \$18.75 was the dollar amount that was negotiated on those and so those spots put together with what was available plus the lofts all added up to I think it is around 60 spots for the units between the two buildings, the renovated one and the new construction.

Mayor Garner said as part of the development agreement we seeded public parking spaces for our residents to a private developer. Is that correct? **Ms. McLaughlin** said typically when we need a parking variance or requirement, we are looking at a couple factors. One being specifically how many are available exclusively on that parcel. If they are able to obtain parking, but they are not exclusively on that subject property or proposed development parcel, we still have to give them a variance because they're not provided specifically on that parcel. As part of that variance approval, we would have a condition that stipulates find this parking somewhere else effectively is kind of how that worked.

Reading off the staff report that was for the Board of Zoning Appeals heard July 10, 2023 the proposal was a total of 60 off-street parking spaces are required, 14 spaces are provided on-site, 20 spaces are provided in UG Lot E, which is the Wyandotte Health Department, 15 spaces in UG Lot 6, which is across from KCKFD headquarters, 11 spaces are in the City Hall Lofts garage that was their overflow parking that was an addition. The total amount of spaces provided on-site and through the parking agreement did equal the 60 amount of parking spaces that were required otherwise for the development.

Mayor Garner said so BOZA approved the parking variant. Who approved the actual development agreement because I don't believe just looking at state law and looking at our ordinances and the questions I've asked, that's kind of unclear as we know that the broader board doesn't have that authority and that BOZA is a smaller conglomerate of that board. So, what I'm saying is that once BOZA approved the variance, who ultimately approved the overall and I'm going to just call it a deal, that proposal, the development agreement in the deal. Did that come back to the Unified Government Board of Commissioners? That's what I really need to know. **Ms. Laughlin** said I believe there might be a little confusion on the terms of the development agreement versus development plan review.

In the planning and zoning process we have a preliminary plan review which is kind of like a testing the waters to get some initial feedback approval and then the applicant can return for a final plan review which is we've taken all of our previous comments and revisions and finalized them in this final package and presented them for a final development plan review. So, I think there might be a little interchangeable between those terms and that might be where some of the confusion lies is what the development agreement is when it comes to a Planning & Zoning process. When we are going through the review process whether it's a change of zone, special use permit, master plan amendment, any other kind of—including the variance appeal, we include all of the plans and items submitted as their final development plan unless they specifically say it's a preliminary, so from a Planning & Zoning perspective we only—we did hear the preliminary during the change of zone and variance process. They returned to finalize their plans with a few changes to the final development plan.

As far as the development plan agreement, that would not necessarily be held through the Planning & Zoning process. That would be something as a separate kind of term and I think—like I said, there's some confusion on that so that would be for the Legal Department to answer.

Mayor Garner said so I guess for Legal to make it simple—that was a lot there, so just in layman term who approved as far as the governing body this final agreement with this private developer that included the parking and all these public spaces that literally gave to a private developer? That's simple. Who approved that? **Mr. Conway** said there's no approval. There's no development agreement in the conventional sense for this project. **Mayor Garner** said somebody from the Unified Government had to say you can have our parking spaces. Who did that? **Mr. Conway** said it was a parking agreement that was built in to satisfy a condition for BOZA and the parking agreement was signed by the County Administrator based on recommendations that we gave. **Mayor Garner** said and that's fine, but did that ever come back to the Commission for final approval? **Mr. Conway** said it did not because it's BOZA and BOZA on the variance—**Mayor Garner** said I get the variance part. The variance was—**Mr. Conway** said under state law—**Mayor Garner** said I get it. The variance is simple that they wanted so many spaces and things like that, but at the end of the day, past the variance that BOZA did and those requests, I'm just looking at who approved that final—said yes, you all—BOZA is good with this, they've signed off on their variance and now we have an agreement in hand that both the Unified Government staff feels comfortable with, this private developer feels comfortable with,

we're good, we're going to move this thing forward, who greenlighted it? **Mr. Conway** said that would be—BOZA would be accepting the satisfaction of the conditions that were laid out.

Wendy Green, Deputy Chief Counsel, said the County Administrator has the authority to sign this parking facility use agreement. We have precedent for this. When we did the same type of agreement with the casino, the 7th Street Casino, we did the same process for that agreement. It didn't go before the Commission. It was signed by the then County Administrator at the time. There's no history of a resolution or an ordinance approved by the Commission that authorized that parking facility agreement either, so there's precedent for the County Administrator under his authority to sign a parking facility use agreement and so we did the same procedure for this as we had. The County Administrator signed the parking facility—**Mayor Garner** said so what you're telling me, there's a practice in place. **Ms. Green** said pretty much. We also think that it fits underneath the powers that he has under the ordinances as set out under his authority to conduct the business of the Unified Government. He's not giving away property. It's considered just a use agreement. There's no set parking spots that anybody can use. It's just an as you are, same with the casino. The casino parking isn't a—it's first come first serve basis in essence. It's the exact same type of agreement with the casino, so since it was the same type of agreement and that was the way that one was done, because of precedent and because it's just determining the use normal procedure for government property and how to carry out government business, it fits under the County Administrator's powers and authority.

Mayor Garner said you answered the question as far as your viewpoint. I did talk to Chief Friend and he has a different take on what you just described as far as an agreement with the Unified Government and parking. As a matter of fact, he was really upset that he didn't have that opportunity, so I think we need to have further conversation with Chief Friend about that opportunity as well and I just talked to him yesterday. I say that just based on what you said and commissioners if you would walk through with me and I know I graduated from Wyandotte, but I think I can read pretty well with my high school diploma. You've got several forms here. One of the Consolidation Study Report and I asked Counsel and it seems like we've been operating off practice. Now, you got to remember, I'm a prior law enforcement officer and everything's black and white for me. I don't believe in operating in gray until this Commission, this body says otherwise. I don't believe this Mayor or any bureaucrats around here should have any authority

or discretionary powers that is not expressly written in the Consolidation Report. This Commission sets the policy, the resolutions, the Charters and everything else and I know I've heard several commissioners before I became Mayor complain about why is this this way and who did this. Well, as I started looking into policy as Mayor I realized that some of these things—and part of my role is to interpret policy to the public. That's one of the duties of the Mayor, so I'm going to interpret policy to the public as I see it and, hopefully, you all can walk with me through this and if you disagree, please let me know, but I want to start this conversation and questions and debate off.

The first is the Consolidation Study Commission Report and if you go to the first page, it goes to Chapter 3. It says a unified and simplified structure. The Wyandotte County/Kansas City, Kansas Consolidation Study Commission recommends the newly created government shall be called the Unified Government will have a Legislative, Executive and Judicial Branch. The Legislative is the Mayor—I'm sorry, the Legislative is this Commission, the Executive is the Mayor and the Judicial, believe it or not, is the District Court and nowhere does it mention staff.

Follow me along, if it goes to the general powers granted to the Commission, which is Section 2-32 and you go to Section E, second page E, the very top of this handout. Here it says to borrow money for the purpose and in the manner provided by law, provisions of the Charter—this is the Commission's powers. To purchase, lease, construct, maintain or otherwise acquire hold and operate any building or other property, real or personal, for any public purpose and to sell, lease, or otherwise dispose of any property real or personal belonging to the Unified Government. Remember, if you go back to the Consolidation Study Report, the Unified Government under the Charter is the Executive Branch, the Legislative Branch and the Judicial Branch.

Now, based on what Legal is telling us let's go to the next page, Section 20-103. Start with number 9 at the top, but if you scroll down, it says Powers and Duties of the County Administrator and if you read that on number 14, it says—this was approved by past Commissions. It says the County Administrator signs all contracts, deeds and other documents other than those authorized by the Commission, authorized by the Commission to be signed by the Mayor or those which state or other laws require the signature of the Chief Executive Mayor. Now, I can sign stuff too. I sign a lot of documents. I have a lot of conversations with developers, but I do know that I cannot sign any type of development agreement. They have to be approved by this body and so there in lies the question for this Commission and it goes back to looking at our form of

government and making sure that we're following it according to the rule of the law from the Consolidation Study Report.

That's what I'm bringing for you all today because I've heard a lot of complaints. This isn't about giving the Mayor more power. I don't need any more power. I don't want anymore power. I have enough headaches dealing with what I have now, but I want this Commission to be empowered to make the final decision as per the Charter and per your legal obligations that says you adopt both a budget and you adopt policies and ordinances and resolutions for this Unified Government to make sure that you all are comfortable that we're doing that. Why is that important under this situation, because what I'm gathering, and correct me if I'm wrong, was that you had someone other than this body have a final disposition on publicly-owned land being given to a private developer.

If you're going to have a representative form of government of the people, by the people and for the people, we're the elected officials up here. I don't get to vote, but you do and when questions come from the public as how we got here and I'm getting commissioners that don't know, and I don't have those answers, but then when I start doing my homework and working with my staff, we're trying to peel back the layers of this onion to get to the bottom of it. Whatever this Commission decides is fine and I told the Administrator this, if you all choose to build a petting zoo in that lot, I respect it. That's what you all chose to do as a majority vote of this body, but my job and I'm sworn as the Mayor, both state statute and the ordinance and when I raised my right hand was to make sure that the ordinances of the Unified Government were followed as well as any applicable state laws. When I read this stuff and I saw how this went about, it brings that into question and then it raises a lot of just the public questions we have from the public is the tail wagging the dog of this Commission and how do we put the Commission back in the driver's seat of making sure that this organization is being run by the elected officials. That's the questions that are being asked of me from the public.

I know some of you all don't work here every day. I do. I'm here every day. I come in and me and my staff, we do a lot of this mundane work. I'm the 11th commissioner and I'm here to work for you. I'm not here for me. Some of you may not believe that's the truth. I keep telling you, I'm not going to be the Mayor forever. You'll find out real quick I'm here because I want this body to be able to do the things that need to be done according to the spirit and the intention of what our voters voted for when they voted for Unified Government. I don't believe that a lot

of instances when I hear the complaints before I became Mayor and then after I became Mayor that they really wanted non-elected individuals making—especially one or two individuals in some instances making decisions for 165,000 people. They voted 10 commissioners to make those type of decisions and I think this Commission needs to reclaim that power that you have and to make it clearly known who creates the policies, the resolutions, the Charters, and who runs this government and my recommendation is that you make it clear that you all do.

At the end of the day from what I'm getting, and correct me if I'm wrong, if some of you didn't know about public parking being given away to a private developer, that raises a red flag for me because there should be no instance where you don't know. So, I'm going to leave it there and open it up for questions. I did want to start that debate off and then if you have questions for myself or staff, I'm open for that and then we'll get into the resolution.

Commissioner Bynum said I have a variety of questions. I believe you said you spoke to Chief Billy Friend, but I heard staff say we do have a parking agreement with the 7th Street Casino and I don't know which one of those things is true. You're telling me the Chief says he doesn't. **Mayor Garner** said he said he wished he had that opportunity to have conversation about additional parking. **Commissioner Bynum** said there's a parking agreement with the Wyandotte Nation. **Ms. Green** said that's correct. **Commissioner Bynum** said so that doesn't quite line up with Chief Friend saying he wished he had been able to have a conversation—**Mayor Garner** said about additional parking. **Commissioner Bynum** said additional parking. I work downtown every single day and I know for a fact that the casino patrons are parking in the Public Health Department parking lot. They have a van that goes around and picks them up from wherever they can find a place to park and that's been going on ever since that casino opened, so I don't know that those two things are much different. I also don't know if they're paying to use the parking lot. It sounds like maybe they are, which means there's an agreement in place. **Ms. Green** said yes, the agreement went into effect in 2008. **Commissioner Bynum** said okay. I knew it had been a good long while that they'd been operating. **Ms. Green** said right and it was signed by the then County Administrator.

Commissioner Bynum said these three sets of documents, Mayor, this one is the Consolidation Study Report. **Mayor Garner** said part of it. **Commissioner Bynum** said and that's the question. These two, are they from the Charter? **Mayor Garner** said ordinance. Those

are ordinances. **Commissioner Bynum** said charter ordinances. **Mayor Garner** said not charter. Those are just Unified Government ordinances. **Commissioner Bynum** said okay, so not part of the Consolidation Study Report. I wanted to be clear about what it was exactly that we're looking at because this report—**Mayor Garner** said is part of the Charter. **Commissioner Bynum** said this report is three months prior to the actual vote, so the Study Commission, while valuable, is not law. It's a report. I don't know other than, again, with the casino comparison, what were the other reasons that brought forward us needing to look, number one at the project, number two at the parking, and number three at the duties and rules that staff should follow versus authorities of the elected body. **Mayor Garner** said yeah, well, commissioners came to me. It started off with—it went to Commissioner Burrough's standing committee. He had questions. We couldn't answer him. We looked into them. We got as far as we could. We sent it back after the developer pulled his request for additional consideration from that standing committee, but there were still questions. We have a new commissioner, Commissioner Burns. I know some of his constituents had a lot of questions about that. I believe that Chief Friend had not only called me, but has called other commissioners as well about his concerns. I know we talk about parking and I don't know who did this study, but I can tell you I drive around here uncertain, good luck finding parking anywhere around City Hall or in our parking lots because it's just because of the good traffic that the casino brings because we want them to be successful at that venue. So, parking is very limited as it is and I think that was the Chief's concern.

The third deal is just okay, who actually approved this and I think a lot of our residents and some of our commissioners and myself I agree, and you can disagree with me, at the end of the day, you're the Unified Government Board of Commissioners. You create policy, you set it, you set the resolutions, you approve ordinances and you give the direction along with a budget to go forth that gives our administration, which is staff, to carry out the will of this Commission. I've gotten constant questions even before I became Mayor and even after about who's really running things here at the Unified Government. I think if you all choose to delegate a lot of your authority away to unelected officials, that's your purview, but I'm looking at policy and the policy if we need to change that to reflect that type of government, I'm all for it. I respect and will support anything you all choose to do as a Unified Government body. It makes no difference to me. This isn't about me. It's about me trying to help you all be better informed, more engaged, and to have

a little more oversight into how things are done and how things are brought forward and the disposition on matters that happen within our city. That's what this is about.

So me going through these ordinances and really looking at them in-depth, and it takes a lot of time and I know I'm missing some because there's so many more that I could have brought forward, but it's just I don't have the time or the resources to be able to do those types of things, so I brought what I could that are just the barebones basics. That's what you're looking at, that's what I read to try to give you all just something to think about and if you choose to go that route, I think it would give you all a little more leverage so when these types of questions on—because there's a broader question that was brought by Legal and I did mention it to the Administrator. It's concerning to me and, hopefully, it would be concerning to you.

If you go back to the powers and the duties of the Administrator, and if we take into account of what I read on the Administrator being able to sign all contracts, deeds, and other things, I think this is a gray area based on the opinions or I'm not even going to call it an opinion, the interpretation of some of our attorneys, I would say that what is to prevent a Mayor—an Administrator Tyrone Garner 10 years from now and I want to sign and deed away City Hall or the Fleet Center or any other buildings or properties or any interest of the Unified Government based on that analogy. That's a question and it was a concern to me because there's nothing to prevent that based on the view of Legal, which to me sometimes I don't agree with Legal all the time. I have the utmost respect for our attorneys, but I don't always agree and that's one of the areas that raises a big red flag for me because based on that analogy of past practice, I think that needs to be clear. That at the end of the day this Unified Government Commission should make that decision, not the Mayor, not the Administrator, nothing personal against anybody, and not anybody's staff that's not elected. This body with a majority vote should make those types of decisions and should be clear and that's all that I think a lot of folks I'm talking to are advocating for and I know that some of our commissioners that I've talked to are advocating for. I think that gives you all a little more leverage. Again, like I said, to ensure that you all are truly the engine running this government in a way that reflects the way you were voted in to have it run.

Commissioner Ramirez said I'll try my best to keep my cool on the moment. We all know where I stand on this. Why do we have staff then. If we're the ones to be the one to have the final say, final authority, why have staff. I want to apologize to David and to staff for the continued just

bringing down on staff for doing their job. The demonizing, the victimizing of staff. It's being said that we're the big boss, that we have the final say. We are partners in running this government and keeping this community safe. We are partners. There's no power struggle and this resolution or whatever that's on our agenda, it's in my mind a public censure against staff and that's not our authority to do so. That is the County Administrator's authority to discipline, terminate and do what he needs to continue the operation of this government. That is his authority, not ours. If we have an issue, we bring it to David and he will deal with it within the bounds of his authority, the bounds of the employment law, state and federal. We need to stop legislating as we are the Administrator. We are the policymaking body. We are not experts in every department. I'm not an expert in Public Works, I'm not an expert in housing and community development. I rely on the advice, experience, and education of our staff to guide my policymaking. I don't know everything and I will not say I know everything. Staff, you are a partner with us. You know I have stood by you since day one and I always will because I cannot do my job without you.

I, again, apologize to David and staff for the continued just going against staff for no reason. Yes, do we need to change some things, yes has staff made mistakes, yeah we're human, it happens, but again, if it's an issue, bring it to the County Administrator who has the authority to handle it. He's the one who will make the changes. If he comes to us and asks for our advice, he's a good County Administrator, he's a good partner in running this government. I don't know why we continue down this road when we have other issues that we need to deal with and handle. In my mind and I know it's going to be said against me and I'm going to say it anyway because I do not care anymore, this is a waste of our time. Staff is already doing what we're telling them to do. We passed the ordinances. I have nothing else to say. I just—the staff I hear you, I stand by you, I need you so I can do my job that I was elected to do.

Mayor Garner said you know I would agree with you, but you know I just don't agree that you're totally right. I was a staff member. I worked here for 35 years, 32, you haven't. I've been a manager, I've been an executive. I don't know if you have. I've supervised, I've managed. I don't know if you have. I've served on several boards, not just this one and operated things and watched things in a certain way. I don't know if you have. I've had over 32 years' worth of training in management. I don't know if you have. No disrespect to you, but I support this staff just as much as anybody up here because I need them too, but in any government there is a

hierarchy. In our United States government we have a President, we have a Legislature, there's a hierarchy that we all are responsible to. Laws are made and we have to follow them whether we like it or not. There's no baseline of all of us win a trophy because we're all on the same team even though we didn't win the game. There's a hierarchy and there should always be. That's how our system of government and most governments are set up. There's governments—go to New York. You know I've talked to that Mayor, sweeping powers. I've talked to Council's and others, sweeping powers because they're engaged. They're voted by the people to run their governments and run their cities. They don't hand the keys over and delegate what the people voted them in to do to other individuals that weren't voted in. Staff is here, that's what administration does. Decisions are made by this body, staff is there to carry it out and they do a good job. Once we tell them what to do, they do an awesome job. I was one of those employees and they work hard, most of them all the time.

This isn't about hiring or firing anybody. This is strictly about policy, nothing more, nothing less and what I'm reading in our policy that was approved by past commissioners, probably decades ago, and revisiting this and saying okay, does this fit the criteria where you all feel reflects where we need to be today based on this issue that came up and questions that were brought to me. Nobody is here bashing staff. I have nothing bad to say about any of our staff. As a matter of fact I praise them and thank them for their work. I work with them every day. They go out of their way to make sure me and my folks get what we need to help you all be successful and make informed decisions and we are all in this together. But if you look at our org chart, it starts with the people, the Commission, the Mayor, the Administrator, and staff. That's that hierarchy whether we like it or not and the people voted you all to make decisions and I just feel like when questions come from our people of who authorized this and I tell them well some employees made this decision, not the Unified Government, I'm going to be honest, people in this community have a problem with that.

Again, I challenge any one of you commissioners that disagree with me, come with me for one day because I'm out here in this community every day. I don't get home sometimes till 10:00-11:00 at night. I talk to people, I'm in their meetings, I'm in the streets probably more so than I should be and I'm getting this feedback, not something that I want, but I'm telling you what people want and they say they want this body to start listening to them. Little things like this, we shouldn't even be arguing over it. It should be clear. This is the Commission, this is your purview.

It has nothing to do with me. I'm not asking for anything for me. This is to help this body and future body of commissioners to be able to go out and tell the community at the end of the day yes, we make these final decisions. There's no question, there's no doubt about it, so I just wanted to make that clear.

Commissioner Kane said we've lost more staff members in the last couple years than we have in the 19 years I've been here and I rely on staff heavily to help me do my job and I have a thousand questions and I know I'm the most mouthy commissioner they're used to dealing with, but all I want to know are the facts. The facts are the facts. We have had employees stand at that podium and rip their ass to pieces on stuff, which is very, very disrespectful when we do that. We have a Legal Department to make sure that we don't get sued. We have multiple issues that we rely on staff to save us from being sued. This particular issue, if that's the deal, the next time that happens it comes back here.

Mayor, you say you're not going after staff, but in my mind they should all unionize because it sounds to me like you're beating them down and you're beating us down too because of our opinions. I don't stand up here like you just did with Christian and say hey, Mayor, I didn't like it. I give my opinion and that's it. That's all and I haven't been here for just a couple of years. I've been here for a heck of a long time and it's frustrating when we put this—and we do this to staff because we've lost a whole bunch of people in Legal recently and we can't fill the jobs. We can't fill our Economic Development person because people are watching these Commission meetings. I want quality people here to guide us. I have to deal with Public Works all the time and they've got to guide me. I talk to the lawyers. I talk to Bridgette Cobbins all the time and say, hey, I've got a question. Alan Howze, I've got a question to help me do my job and I think that's what we're asking. No, they should not make all our decisions, but they should help guide us to make the right decision and I'm sorry if you disagree with that.

Mayor Garner said I don't disagree. I think me and you are saying the exact same thing. Nobody's attacking staff. I'm talking policy. I haven't mentioned staff. If anything, I praise them. I don't know what you're talking about when you say staff is being attacked. They're not, this is about policy. You mention you want to make the best informed decisions. Well, I do too, that's why we're here. I don't know if you knew about the parking agreement. I know I didn't. I know

some of the other commissioners didn't. That's why we're here for that very reason and looking at policy on how we can improve the level of information and communication between staff and you all so we don't run into these issues and then certain commissioners and myself don't get asked why is the public parking being given away to a private developer. I would love to be able to say because this Commission approved it, end of story. I think you can't argue with that and that's what our policy says this Commission should do. That's all.

I'm going to say it to the public since it seems to be going on deaf ears. Public, I care about our employees. I guarantee the vast majority of them do a great job every day. I was one of them. I support our employees. I'm going to continue to do that. We have some of the best employees you'll find anywhere in the metro. Are we all perfect, no we're human. I think Commissioner Ramirez said that. This is not about employees or about personnel. It's about policy and looking at it to make sure this Commission is comfortable with where we stand on how things are being run in accordance with the Charter and the ordinances and I have to do that because I'm sworn to, to make sure that we're following it as it's written. If you don't like the policy, my thing is, number one we're bound by it by state law and number two, if you don't like it, change it. That's all I'm saying. I'm good and will support whatever this Commission wants to do, but that's what this debate is about. It's not about debating about what employees did or didn't do. It's about policy and how we make sure that this Commission is well informed and is making the final decision and is the final arbiter and gives the final disposition on matters that are of interest to the public. That's it, nothing more, nothing less.

Commissioner Lopez said I agree. I mean the staff is phenomenal. I mean I know we make some mistakes, but I was doing some research on when this whole resolution—or this resolution to adopt to reinstate the authority, Commissioner Kane I guarantee he was here when it happened. I just don't remember who the Mayor was, but it was originally before it was. Anyway, Marinovich I believe on my research was—she's the one that had it changed, had something to do with some strip bars and had something to do with the Mayor or something was paying somebody. I don't—something to do with that, but Marinovich changed that and it's something to do with that. We just need to change this back to like it was originally. There's just so much going on that it's like whoa, whoa, whoa. There's just been some bad decisions made every now and then, but it ultimately needs to come back to the Commission to make the final and our Administrator—I

mean like today on our on-three meeting I loved it. He was—I was like wow. I mean he really made some really good points and I loved how he just stood fast and put his feet in the ground and not going to budge.

That being said, as far as this going forward, the adoption has nothing to do with—I mean it won't take place. It won't change anything with the City Hall Lofts or anything like that. It's already in play.

Action: Commissioner Lopez made a motion to reinstate the authority of the Unified Government Board of Commissioners to set all overall policies.

Commissioner Lopez said I want to make that motion to get that moving so we can move forward and get stuff done. As a business owner too, I mean there's a lot in play that I see some bad decisions and not purposely. It's just when it comes down to it there needs to be one boss and we are that one boss as a Commission.

Mayor Garner said I'm going to hold off on recognizing your motion because we still have other discussion. I believe we have the Administrator.

Mr. Johnston said you're talking about a few issues here. First of all, if we can go back to the start of this discussion, let's take just a quick history road. A previous Commission passed the rezoning of this property for this use in 2022. The petitioner also wanted a variance for parking and got denied at the same time. They made arrangements and got it approved in July of last year, so this project's out.

You're talking about another issue and that is, is the staff running a muck and doing their own thing. Our training is we have to follow what's in the ordinances. Those are the policies that are outlined and passed by this board and previous people who have served on this board and until they're changed, that still is our direction.

If you're talking about the simple issue about a parking agreement and who signs it, we already have a policy dealing with property disposition. Not to counter the Mayor, but there's no way I could ever sign away real estate like Municipal Building here. There are rules that I have to

follow that were passed by this body to deal with property disposition and those directions are ones we have to follow.

If you're talking about wanting us to look at property disposition policy to include stronger language on who authorizes leases of public property, we didn't give it away. It's being leased, but we can bring that property disposition ordinance for reexamination and discussion by you folks and then you can make changes for that. The Municipal Code is large which has gone through public process and review and those are the directions that we follow. If a precedent was done incorrectly by a predecessor, I can't do anything about that, but it was viewed as legally okay in this case and, therefore, I authorized it and that's that.

One thing about a zoning change and I know there was discussion behind the scenes that more and more people have surfaced that were against this project. Once a zoning is done the owner of that property has a vested right to be able to build on that property under that zoning classification. That's not coming back here. That person is building—can build that project because they have a legally vested right that can't be taken away from them to do that. The Board of Zoning Appeals is specifically called out as a body in state government by state statute that says appeals to policy for land doesn't come here to get approved. It stays there. So, they received approval for if they could satisfy their conditions, which they did and the owners proceeding with their project.

However, I do want to let you know that most of the time when we deal with development projects, parking issues are taken care of in the plan development process with Planning & Zoning making sure that they meet the plan, the parking capacity required by types of uses and then that goes through the Planning Commission and eventually it will come here. It's not like this stuff is done in a vacuum. It's complicated. We do have policies in place called the ordinances that we have to use as our direction and I would suggest if you would like a closer look at the property disposition to include stronger language on leasing UG-owned property for private use, we can do that. **Mayor Garner** said selling City Hall is a hypothetical.

Commissioner Bynum said I appreciate the Administrator for bringing some clarity to some of that because it's interesting and has been interesting. The whole time I've been a commissioner that there are areas where those decisions simply don't come to the Commission and the Board of Zoning Appeals is one of them and it's laid out in state law. This isn't the first time a developer

or even an individual has needed some kind of variance through the Planning & Urban Design Division and something has gone to the Board of Zoning Appeals.

I have a couple of questions. First of all, Legal maybe or Kallie with Planning, you can tell us who is the Board of Zoning Appeals. Who sits as that body? **Ms. McLaughlin** said the Board of Zoning Appeals is made up of members who are the same staff that is in the Planning Commission and as you know the commissioners decide who those members will be. **Commissioner Bynum** said I want to make sure I understood what you said. Is the City Planning Commission that is appointed by this set of commissioners the same people who sit as the Board of Zoning Appeals? **Ms. McLaughlin** said that is correct. There are two separate standards and two separate committees with different judicial powers and legislative functions, but effectively they are the same people physically in the chairs during each meeting.

Commissioner Bynum said okay. For clarity from Legal, I think on the resolution in the first paragraph it says, “whereas the Unified Government Board of Commissioners under Section 2-56 of the Code of Ordinances” and then the second paragraph “whereas the Board of Commissioners pursuant to Section 402 of Appendix C of the Code of Ordinances.” I would like clarity around the reason those two particular items are called out in this resolution and perhaps what that is trying to tell me is that if we resolve by the governing body Section 1 to the extent permitted by law, etc., are you identifying that these are the two places in the code where that resolution will sit, will live? I need to understand a little bit better what this is, where it would reside in the code and then lastly, its implications for any other item that goes to the Board of Zoning Appeals that once it’s either denied or approved needs a signature. Are we making a statement with this adoption that in fact we are not authorizing our County Administrator to sign a decision by the Board of Zoning Appeals? I need more info than I currently have.

Mr. Conway said, Commissioner, I’ll take the first question first. The procedures with respect to the Board of Zoning Appeals, if you don’t like the outcome, the appeal is to the District Court across the street. It doesn’t come to the Commission. So, to that extent the commissioners may not have seen this issue because it went to BOZA and that’s where it was and if it went any further, you probably still wouldn’t see it unless you keep track of the proceedings across the street, so that’s that question.

I actually drafted this resolution at the request of the Mayor’s Office, so as far as the language and the whereas’s and that type of thing, that’s just a statement that under Section 256

of the code, the Board of Commissioners already has the power to adopt the codes, ordinances, resolutions, etc. That was just a recognition that's already in the code right now and the second whereas is that under Section 402, Appendix C, it lays out that the Board of Commissioners already acts as the primary policymaking body for the UG. That's already in the code. The County Administrator is also determined to be the administrative head and so those roles are already laid out and it's pretty specific. So, given that context then the Mayor's Office wanted to reiterate, restate that the Board of Commissioners has fundamental and final authority to set policy, so that's what that language says and that Section 1 is not to be codified in the code, it's just a resolution restating what's already in the code. **Commissioner Bynum** said so it doesn't give anybody new powers or take any current powers away from any person associated with the Unified Government. **Mr. Conway** said that's my reading.

Commissioner Lopez said I think this is also why—let me ask Urban Design Planning & Zoning here, before you start a project is it a rule of thumb or part of your ordinance that petitioner to send a letter to the neighbors because the Indian Nation Casino never received a letter of this project at all, ever, and now they are up in arms and we are now looking at the funding. In the past 16 years they've paid us over \$7.6M, roughly almost \$500K a year. Because of this project, because they didn't send the letter he's saying you can say goodbye to that 500 grand a year. **Mr. Conway** said there is the agreement of the payment annually, but that's to pay for public safety. We provide police and fire—**Commissioner Lopez** said right. I asked him about that. He said he doesn't have to pay, we're just being neighborly, we're just being neighborly. **Mr. Conway** said if they withhold the payments, then either we wouldn't provide the services—**Commissioner Lopez** said they have enough money, they could go buy their own. So, we're looking at whatever this project can bring us versus that's a huge cut. That's a huge cut.

Ms. McLaughlin said most of the planning entitlements with the exception of just a handful do require a public notification. The public notification radius is 200 feet. Given the size of Huron Park, it's likely that they did not fall within that 200 ft. boundary, therefore, they would not have gotten a notice. I am able to pull up the list and I believe I provided kind of a generality of who was included and it would have included the neighborhood group, the Strawberry Hill Neighborhood Association, the President of that neighborhood association would have received that, some various residences that were within 200 feet of that boundary, and it was also provided

to Commissioner McKiernan who was the commissioner of that district at the time and then I believe the At-Large District Commissioner as well. So, it did go to some people and those lists were in fact generated mail, but unfortunately, it doesn't seem like they fell within that 200 foot radius. **Commissioner Lopez** said so now it's going to cost us 500 grand a year for that small little overlook. **Ms. Laughlin** said I can't speak to the terms of those agreements and parking agreement. I can only speak to that 200 foot radius and what that process entails. Those are separate agreements made with other governing bodies here. All our ordinances allow us to do or require us to do is the 200 foot radius notification.

Commissioner Lopez said okay and then also how come—I did finally receive the archaeological study from Terracon. How come our state archaeologist does not have that? **Ms. McLaughlin** said unfortunately Randy from Historic Preservation had to leave, but from what I understand we have different levels of districts here and this is not an archaeological district; however, we did require as part of this—during the Landmarks Commission that they do what's called a ground penetrating radar, a GPR study. GPR was completed by Terracon in conjunction with the State Historic Preservation Office and it did not appear that anything was determined to need excavation or that would have been relevant. I believe the building was damaged or demolished multiple times over the decades and was demolished I believe in 1964 and there's different standards of excavation care and preservation at that time that may not have been considered, you know, more carefully in historic. So, if there was anything there, it was likely already removed or already damaged beyond an extent that was deemed reasonable to be able to preserve. Without finding evidence through this radar that there was anything left underground to preserve, then the archaeologist would not have to be called into play.

Furthermore, as Randy kind of described to me earlier, we do have an agreement internally with our Historic Preservation Office within our department and with the State Historic Preservation Society about what our archaeological scope is for recommendation and in this case because the district is not an archaeological district; however, Randy and SHPO as the State Historic Preservation Office classify it, an archaeological study was really not required. It could be handled internally through our office, but we did go that extra step and request the ground penetrating radar, the GPR, just to verify that there was in fact nothing underneath that job site that we could see that would be determined to be a significant importance.

Commissioner Lopez said I don't understand that because it's not just a normal cemetery. This is a National Cemetery, which my fed guy hasn't got back with me yet, but he will because there's other ordinances in play that I think will supersede the UG's. **Ms. McLaughlin** said and I appreciate that. Unfortunately, that is not my specialty. I'm more of the construction person. I just can relay with what Randy provided me for context and so I would defer to him for some more details on which districts are archaeological districts and which districts has different classification and what the procedures are for each one of those historic districts. They're different from Quindaro then they are different from Hanover Heights and so on and so forth, so each different district has different policies surrounding it, depending on the extent of the buildings or the type of site or landmark in the area. I apologize I'm not able to comfortably explain that in maybe a better fashion, so I would encourage to follow up with Randy as I know he is, he is needing to make that evening appointment, but that is the best of my knowledge at this time.

Commissioner Lopez said does Randy have a—to the best of your knowledge, does Randy have a degree to hold this role? **Ms. McLaughlin** said yes. I believe he graduated from Missouri S&T with a Bachelor's Degree in Historic Preservation.

Ms. Green said I remember after we had the standing committee meeting and you were asking about Section 106 and that falls within the National Historic Preservation Act and I did look into that after we had that meeting. That act only applies if it's a federal project or if it involves federal funding and because there is no evidence of federal funding involved, even if they may at some point get federal tax credits, tax credits are not the same as federal funding. So, because we don't see any evidence of that involved, the National Historic Preservation Act does not apply in this situation. So, in that case Section 106 would not apply as well. **Commissioner Lopez** said well, right. I understand that. That's what the State Archaeologist followed up with me about too, but at the end of the day we have a great neighbor that doesn't have to give us 500 grand a year, but he does and now we're looking to lose that because of a small oversight and that's not okay. It's very concerning and I think that's why also this second item was added to—not to, there was just—it was a small oversight, now it's going to be very costly.

Commissioner Hill said I just have one question for staff. Why was the commissioners not included in approving this parking piece? **Mr. Conway** said it was a matter before BOZA and the

parking agreement—**Commissioner Hill** said whoa, BOZA. **Mr. Conway** said Board of Zoning Appeals and that was the item before that body and so the parking agreement was a piece of putting together all of the parking slots that would add up to the 60 slots that was necessary for this project. So, once that was proven to them with this parking agreement, then BOZA was satisfied and that was it I believe. **Commissioner Hill** said so when you say that was it with zoning being satisfied, does that mean zoning had the final say? **Mr. Conway** said on that variance, yes.

Angela Lawson, Interim Chief Counsel, said if you're inquiring about the agreement, no, the agreement was signed at a staff—by the County Administrator, not by BOZA. **Mr. Conway** said the agreement was to satisfy a condition that BOZA imposed, that's right.

Commissioner Hill said in the past the former County Administrator would have signed that document without the commissioners approval in the past. **Ms. Green** said yes, that's correct. The other parking use agreement that we have in play right now is the one we have with the casino. That was done in 2008 and it was also signed by the County Administrator and that agreement did not go in front of the Commission that we could find. There's no authorizing resolution that we could find or an authorizing ordinance and that is consistent with the authority delegated to the County Administrator to sign those types of documents. **Ms. Lawson** said and as he stated there is a prohibition on him selling property and signing off on that and then, obviously, development agreements, which is the use of funds, would have to come before the Commission. His signing the agreement does comply with our ordinances.

Commissioner Hill said okay. I'm just trying to make sure I understand what has happened previously versus—the difference with that versus now and I understand that the commissioners are to be the one that sign off on everything I thought until tonight when I found out there are certain things that the County Administrator can sign off on without the commissioners knowing about it. So that's what I'm trying to distinguish for myself this evening. **Ms. Lawson** said there are, for example, contracts, you know, purchasing contracts. The purchase of office supplies, equipment. Once the Commission authorizes the budget and say it has three dump trucks, then the County Administrator is authorized to sign off on the contract for the purchase of those three dump trucks, but only if there's money in the budget for that purpose. So, that's another example of when the County Administrator has authority to sign documents.

Commissioner Hill said what I'm trying to understand is, I certainly appreciate the documentation before me that lays out what role the commissioners play versus the County Administrator. I was totally surprised when I saw the paperwork come through about the parking lot and some of the questions that were posed at our previous meeting. So, this whole conversation is very key for me and just helping me to understand what can and cannot be done. I understand in the past that the County Administrator could sign off on certain items and the commissioners not necessarily have to sign off on it. I also can appreciate the role of the commissioners knowing ahead of time that something like this is going to happen also, so it's a little bit confusing, but I think I'm gradually understanding. So, thank you to all of you for being patient with me as I'm just trying to understand what's going on.

My main question was, why was not the commissioners included in approving this process and it's because the Board of Zoning signed off on it and then the County Administrator signed off on it, but still the commissioners didn't. **Ms. Green** said correct.

Mr. Conway said, Commissioner, I guess maybe the sequence was BOZA needed to be assured of the number of parking spots in order to sign off on it and so the agreement was reached that satisfied the 60 spots and then BOZA said all right, so that satisfies that. The appeal of that decision would be District Court.

Mayor Garner said there's some confusion. It seems like there's some apples and oranges here and I need clarity too. BOZA only approved the variance request for parking, correct? **Ms. McLaughlin** said correct. **Mayor Garner** said BOZA did not approve to transfer our lease, Unified Government property on behalf of a private developer. They don't have that authority. I looked at the state statute. I should have brought it down with me. BOZA is a subset of the Planning Commission and they looked—it was denied and they came back with an appeal for a variance just for parking. This isn't so much about the deal, the deal is done in my opinion. This is about our policy and our practices and procedures and making sure that everybody's clear and me trying to help get the right information that's going to have profound impact on our residents to this Commission and cut out some of this bureaucracy. That's what this is about and there's a lot of bureaucracy in this Unified Government. It has nothing to do with personnel, again, it's about our policies and that's all we're working on.

I go back to say that yes, the County Administrator based on BOZA being satisfied and saying yes you can have a variance and then as part of this agreement with this developer to give or lease out our property to the developer, which if the Commission would have said yes, we're fine with that. Okay, that's where we're at, but I'm saying it doesn't sound like this Commission had that opportunity and here's where my disagreement and how I look at the policy, it says that the Administrator can sign—I didn't bring the Mayor's duties, but it says I can sign a lot of things too. It does, but I don't sign things without it first coming before this Commission and this Commission approving it, then I sign it after the fact after I'm comfortable this Commission has seen it, debated it, is comfortable with it, and vote with the majority vote to approve it, then I sign off on it. That didn't happen in this situation and I can tell you if the Planning Commission can't approve anything and they can only recommend to the full Commission and BOZA being a subject of individuals from the Planning Commission I didn't see anything in state law, and please show it to me, I don't want to—I like to see it. I'd like to trust you but I'd like to verify and the only reason I do that is because I'm here every day and you know I like to see it in writing and I like to make sure these commissioners see it in writing as well in black and white. I don't operate off of what you tell me. I like to see it and read it for myself, so if you can get me that, that would be great.

Even on these powers of the Administrator, I don't see that anywhere and I go right back to—it says the Administrator signs all contracts, deeds, and other documents. I get it. He signs it. I do that same exact thing. If you go back up to the Commission, the duty to purchase, to lease, to construct, to maintain or otherwise acquire, hold and operate any building or other property real or personal for any public purpose and to sell, lease, or otherwise dispose of any property real or personal belonging to the Unified Government. I know that Commissioner Bynum, she read the Charter, but that is the Charter recommendation is part of the Charter if you read the entire Charter and that recommendation says that. That the Unified Government is the Legislative Branch, which is the Commission, the Executive Branch, which is the Mayor, that I know some people don't want to recognize and that's okay and the Judicial Branch with other people that don't want to recognize, but that's okay, and the role of our administrative staff which carries out all these directives with the budget from this Commission.

I'm just saying the information I've gotten from both some commissioners and community I bring this process into question and I'm not saying that the project is dead. I think

we've gone past that, but what I am saying is to this Commission this resolution just reaffirms in everybody's mind that this Commission, not the Mayor, not our Administrator, and not staff and not even the public, but this Commission that was voted on behalf to be the representative governor of the people of Wyandotte County in Kansas City, Kansas makes these decisions and no one else, especially when it involves public parking. When I come in here at night and I see that there's no parking any where because the Health Department is filled up, now we're going to add to that. I mean they're parking all over the place around City Hall to go to the casino and parking is very limited and now we're going to add to that parking problem, which we don't have the public safety resources to handle and Parking Control everybody knows they don't operate after 5 p.m., I just think in fairness to this Commission and that's what it's about looking at this policy and making sure that our commissioners are well informed on matters such as these and that is concerning to a lot of people especially from what I'm being told in the Strawberry Hill area and so that's what this is all about.

I appreciate staff and everything you guys have done to try and get us their information, but there's a lot of research that needs to be involved in this on just the little stuff I've seen in our Charter and in our ordinances and our resolutions. There's a lot of gray areas that need to be cleaned up and I know Commissioner Burroughs has that task force and he's working on looking at it, but it is a huge task. I don't believe we're going to get all that solved tonight with all the blind spots in our Charters and our ordinances, but that's why I go right back to what I've said before, we haven't even looked at them for over 25 years and now is the time to do that.

Bottom line is, tonight this was not so much about the project and developer, but about how we got to the conveyance or leasing of that property there and was that the correct protocol with this Commission. At least not everybody, from my understanding, knowing that was going to happen because I want to be able to go out and tell our constituents exactly and feel comfortable as the Mayor how that came about. I think I have a better understanding how that came about, but when I tried to explain that, then I got kickback from some residents saying well that's not how that's supposed to work. When do we start giving up parking in our Health Department to private developers. That was a question and if this Commission is fine with that, that's fine.

Commissioner Burroughs said I just want to try to bring this round full circle if I may. I know we went straight from Item 1 to Item 2 and I don't know that we want—I wanted to make sure that

my fellow commissioners from the Economic Development Committee as well as those who were in attendance that evening had a chance to have the questions answered that were proposed in the committee. It was important that they have a chance to do that and you know I don't operate in a void and I want everyone's voice to be heard. There was a number of things that came up. It was the blue sheet that hit the Chairman five minutes before the meeting to go to discussion versus an action item and that raised some concern. I don't recall ever having that happen since I've been here in the seven years and so that was a new ground for us to wander through that evening plus there were questions about the notification process to our neighbors across the street who have been good partners. Then, there's the parking on the street. The street had been impacted by a number of parking spots which affects not only the people visiting City Hall, but visits the other businesses downtown. The roadway was blocked a third of the way across the road in the middle of the evening and I was concerned about a traffic impact on that and I know that our fire station parks their fire trucks on the east side of 6th Street going south when they come out of the fire department and let them sit there and now they're staging facing the wrong way on the other side of the street and so it creates a little bit of a traffic concern and safety concern there. So, the street impact was one that was raised.

I know the Tribal grounds and historical grounds and financial impact has been discussed here this evening, but in all respect for the new commissioner of the district and questions that were raised by individual commissioners on the committee, I felt it was significantly important that we bring this back and get a full timeline so there's just very few questions because we've had a new Administrator, we've had new Directors in new positions, so it's just been a process that may be not deliberately done, but the perception can be wrong if it's not utilized properly. So, through proper transparent discussion we can find out exactly what happened and if there's any remedies that need to be conducted, we can do that. Due to the number of constituent questions and concerns, I believe there was even a question about change of ownership of the development project and what degree of ownership causes a significant change and these are things I can't answer and those were questions that were raised that night. I'm really glad that Legal was there because it gave them a chance to forecast—for us to forecast to them the questions that were going to come forward.

I think the Landmark Commission was questioned as well as I know some of the colleagues have reached out and talked to the federal entities, but I think some of the concern that

was raised was the elimination of our only mixed-use rental facility in downtown Kansas City, Kansas and that's at the old City Lofts that the market rate apartments that were in there are now being eliminated and so the entire project will now be all low-income tax credit housing. That raised a number of concerns for many of the constituents that I hear from and I won't speak for the other commissioners quite capable of doing that. I wanted to ensure that we separate these two resolution issues Mayor because I think we've gotten them tied up collectively together. I know where they got tied up and that's where the use of the government property was given permission to be utilized by a private entity and I want to go back to the commissioner on the end that stated he wants to work collectively. I remember when he was first elected we had an issue very much like this before this body and I reached out to that commissioner and stated that will be one of the first issues he's going to have to deal with when he got elected and that was the private entity utilizing a government building. So, there are those of us on this Commission that really do try to work collectively together to find a resolution and I know it took a couple of iterations and some battles and some heavy lifting and sometimes some conflicting language, but it got remedied. I don't know if it's 100% remedied, but it's moved along more smoothly now. There's been an agreement made and I think that comes from having open, honest, transparent communication with those that are affected in their district.

As Commissioner At-Large I don't remember, and as Chairman of the Economic Development Committee I don't remember, seeing any renderings of any layouts of the former lofts that I can recall and if they did come to my committee, then I'll stand corrected, but I don't recall those and my memory serves me pretty well, but I'm not saying it's perfect. So, if there were renderings submitted as to the design prior to the plan coming forward with the changes, I would like to know because I think it went from mixed-use down to LIHTC and the floor plans changed. If there's renderings from before, they can't be the same renderings that we're talking about today. I don't need an answer. I just don't want to put anybody in that spot.

So, that leads us to this discussion about a resolution change and if I understood Legal correctly and the way I interpret it, it's just codification that is already—the resolution and ordinance will change nothing except codify what's already there. If that's not my understanding, please help me understand that Legal because I believe I heard that from Legal. But if that is the case, then I might want to make a suggestion colleagues that when we have a piece of government property that is going to be used in a development project that only requires the Administrator to

sign through Planning & Zoning, we get notified if they exceed a certain amount of money, we get notified if there's other actions that need to be taken that are already in policy. It may be that we implement a policy that says if there's a piece of government property that will be utilized by a private developer in our community, the Administrator has agreed to do that, the In-District Commissioner and the Commissioner At-Large be notified prior to the signing of the agreement. I think that's a really straightforward, very transparent, very easily done trust building option.

Mayor, I really thank you for the time you've given me. I made copious notes this evening with the comments being made and they'll go into my written file, but I'll stand for any questions should any of you have any questions.

Commissioner Stites said there's a couple things and I think I totally agree on everything that Commissioner Burroughs said there. One thing that I want to make sure that we address, go back to what Commissioner Lopez said about the amount of money that is given to the Unified Government from the 7th Street Casino that because of the small oversight, I don't know that there has been a small oversight. I don't know that anybody has identified a small oversight. You know that if they didn't fall or did fall within that 200 foot distance, so I don't know that it's an oversight. If somebody can say they were outside of that 200 feet, then we did exactly as policy dictates that we should do. Now, if they didn't, then in lies there possibly could be a problem, so I don't want to say there was an oversight and that it cost us money because I don't know that occurred.

The other thing that I want to say is I believe that BOZA acted within the guidelines of the state statutes that are currently in place. There's things that don't come in front of us that state statute mandates and I don't believe that staff nor the Administrator worked outside any current guidelines that we have in place.

I am in favor, however, if we need to bolster language as Commissioner Burroughs suggested, if we need to bolster language that strengthens our position where if there are those things that Commissioner Burroughs named, you know, land in a certain amount, that is something I'm in favor of so that there are more eyes that get put on this. I totally agree with that and I appreciate the opportunity. I don't know if that's something—how we do that Mayor, looking at it down the road if we're going to try to draft an additional ordinance, do we still vote on this resolution tonight or how would that look? **Mayor Garner** said there's a motion. There's a resolution here. I was going to ask for a motion. It's up to you to vote yes or nay once I accept

that motion, but we can always draft—I mean it’s the—that’s what this is all about. The authority of this Commission to draft, rescind, implement or direct the Administrator on any ordinances, resolutions, or policies at your will. I mean that’s what this is about.

Commissioner Stites said so, vote on it maybe tonight and then it’s a living document and we—**Mayor Garner** said somewhat like the task force. If you bring forth policy recommendations or ordinance changes, those are ongoing. That’s the power and the purview of this Commission. I don’t even have that ability. I don’t get to vote, so I’m just trying to empower this Commission to be able to do that exact thing and just ensure that our public, myself, our Administrator, and the staff are clear on the fact that this Commission as a voting majority body has full discretion and power and authority on how policy’s interpreted and how things are run in this Unified Government because I believe in a representative form of government. That’s the expectation from the voters that vote all of us in these offices. They want to feel like their elected officials are running things and not so much unelected staff that really by a policy they administrate. They carry out the will of this Commission.

Mr. Conway said, Mayor, I’m sorry but I think I may—if I misstated, I’m sorry, but for Commissioner Burrough’s question, this resolution is just a simple resolution. It’s not to codify into the code. I think I may not have made that point, so if that makes any difference. **Commissioner Burroughs** said thank you for that. I wanted to make sure that as I was writing as I was listening that this doesn’t change anything on how we’re doing things, but yet there’s an issue that some feel that this needs to be done. So, there’s a kink in the system somewhere and I think these kind of discussions are important to have so that once everybody’s armor—they learn to lay their armor down and have these discussions and find out where we agree and then we can start working as to where we disagree.

If I’m to understand this, if we pass it, it means nothing and if we don’t pass it, it means nothing—or if we approve it, it means nothing. **Mr. Conway** said, Commissioner, it’s a restatement of policy that’s not in the code. It’s a resolution and so at least that’s on record and so that provides some direction and I think Commissioner Stites probably was going to follow from that.

Commissioner Stites said I think you're exactly right. What I think that I would like to say is that we don't vote on this tonight and that we give staff recommendation to—or direction to bring back language that says exactly what we expressed this evening that bolsters the opinions of putting more teeth into the ordinance for the Commission to be able to have the final set of eyes that looks at it. That's a motion.

Action: Commissioner Stites made a motion, seconded by Commissioner Kane, to give staff direction to bring back language that says exactly what we expressed this evening that bolsters the opinions of putting more teeth into the ordinance for the omission to be able to have the final set of eyes that looks at it.

Mayor Garner said I can't recognize those motions. We still have Commissioner Ramirez and Commissioner Lopez and then we've got the issue of Commissioner Lopez's motion.

Commissioner Ramirez said just to clarify for the community, I know it's been said that BOZA is a subset of the Planning Commission, the same eleven Planning Commissioners that we appoint sit also as the Board of Zoning Appeals. They're the same people. I just wanted to make that clarification. I agree and I worked with Commissioner Burroughs during that time with the same kind of issue of a private entity over taking—being inside a public community center. As he said, it took time, it took some compromises, took some negotiation between us as the Unified Government and them as a private entity to take and use a private—or public property.

I agree that we can come up with compromises to change and as we've been saying bolster our authority and bolster where we get notified of certain things over a certain threshold when it comes to public property. All of that can happen without having to pass this resolution. We just as a Commission vote and say, County Administrator please bring forward, Legal Department please bring forward language that says this. That is our policymaking authority. Again, I'll say we can make that motion tonight without having this vote. This vote's not necessary. If all commissioners agree that we want change in language of how public property is disposed of or leased, we can all make that—agree, make the motion and give the direction to the County Administrator and Legal to come up with the language. The resolution that we have in front of us

is not necessary for us to do that. We already have that power and we can use that power anytime we want.

Commissioner Lopez said question real quick about—Commissioner Burroughs was talking about how we were supposed to have an action item about this project, but then it got changed to information only—or discussion, whatever. Then, I was told the petitioner pulled their application and that’s why it got switched. So, now what about those permits that the petitioner had, but then he pulled his application. **Mr. Conway** said there’s certain words—they put in an application for IRBs and so that item that would authorize the commissioners to approve that, that item was scheduled for ED&F and then the developer said forget it, we’re going to withdraw that and so that took the IRB issue off the table. Now, they did submit an application for IRBs and so when that item goes—assuming the application’s gone too. It doesn’t go to the building permits or anything like that, that’s a separate issue.

Commissioner Lopez said so the building permits were signed off by the Director of—who gave the building permits? **Ms. McLaughlin** said I did. **Commissioner Lopez** said you gave the building permits. **Ms. McLaughlin** said correct. **Commissioner Lopez** said okay, because just like what Commissioner Ramirez was stating at the beginning about sometimes we make mistakes and things happen, what I’m saying is that when I said oversight that is going to potentially cost us 500 grand a year. I’m not saying—I’m just saying it’s—he’s very strongly going—it’s going to cost us. That’s why I was trying to—I understand when you say is oversight—or you know we all make mistakes and oops that happens, well that’s a huge oops, that’s a monster oops. As a business owner that’s really bad. That’s not good. I mean 500 grand a year that’s a lot of do-re-mi.

Item No. 2 – 21281...RESOLUTION: RESTATING THE AUTHORITY OF THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS TO SET OVERALL POLICY.

Synopsis: Approval of a resolution restating the authority of the Unified Government of Commissioners to set overall policy and clarifying the intent that the determination of meaning, and implementation of such policy may be made by the Board.

Mayor Garner said, Commissioner Lopez, you had a motion. Does that motion stand? I'm going to recognize it. **Commissioner Lopez** said yes.

Mayor Garner said there is a motion. Is there a second for the resolution to reaffirm as is written the authority of the Commission as it relates to the Unified Government ordinances?

Commissioner Lopez asked, do we need to wait on that just for a second because we're missing a commissioner?

Commissioner Burroughs said, Mayor, I want to make sure of the motion, what the motion is. I just want to ensure that the motion—that staff has the motion properly written. I mean I'm a stickler on that. I apologize to the maker of the motion. It's been a while, lost in a couple hours of discussion. I just want to make sure that we understand exactly what the motion is and with respect to the new commissioner, he's back.

Commissioner Lopez said the motion was to—is to for the resolution to reinstate the authority of the Unified Government Board of Commissioners to set all overall policy. That was my motion for that adoption. **Commissioner Burroughs** said I will second it for the point of discussion. We've had plenty of discussion this evening. I think we all know what the motion has stated. Legal's given us as guidance. We've had plenty of discussion. If there's a motion, let's put this to rest.

Mayor Garner said there is a motion and a second. Clerk, roll call.

Commissioner Stites said I have a quick question. Since I did make that subsequent motion, it wasn't recognized, so it doesn't mean anything. **Mayor Garner** said correct.

Roll call was taken and there was one "Aye," Lopez and seven "no's," Stites, Bynum, Burroughs, Burns, Ramirez, Hill, Kane. Motion failed.

Action: Commissioner Stites made a motion, seconded by Commissioner Kane, that regarding the resolution before us now, that we give direction to staff to put in language that was expressed by the Commissioners and Mayor to bolster language for us to have the final look disposition of public property I guess is how we want to say it.

Mayor Garner said let me be clear. The motion was to have staff draft an ordinance that would codify the—I think Commissioner Ramirez hit it on the nose—the disposition of public property as it relates to development agreements to be vested in the hands of the Commission. Are we good with that? **Someone** was inaudible. **Mayor Garner** said it's slightly different. **Commissioner Stites** said yes, that is correct. That is my motion. **Mayor Garner** said, Clerk, were you able to capture all that? **Ms. Sparks** said I did. **Mayor Garner** said there is a motion and a second.

Commissioner Burroughs said, Commissioner Stites, you want an ordinance change or are you looking for a policy change? I mean they're two different things. An ordinance is a little more extensive, has a lot more meat in it. Policy allows us to still change it. I'm just curious because I know that I mentioned that we at least look at a policy change because if it doesn't work, we can come back and massage it, where if it's an ordinance, then we're stuck with it till we go through the legal channels again. I just want to make sure on the clarification because if it was due to a statement that I made. I think mine was more geared towards policy than ordinance and then it'll determine if we need—it gives us a level of disposition if it's over \$10K, he reports to us. If it involves parking lots or because we give away fire trucks, we give away police cars to other entities and I don't know if we need to get caught up in that minutia.

I've been advised that they're both policy and ordinance are the same thing. Policy can go into a handbook, but ordinance...

Commissioner Stites said okay, well I'm the one making the motion and here's what I'm going to say. I want it to be policy and my reasoning for that is so that we can massage it and tweak it as it goes along and then I believe that we codify it into an ordinance once we've got that final draft in place and I believe there was a second.

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

Roll call was taken and there were eight “Ayes,” Stites, Bynum, Burroughs, Burns, Ramirez, Hill, Kane, Lopez.

Mayor Garner said we’re going to have to adjourn from this Special Meeting.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Kane, to **adjourn**. Roll call was taken and there were seven “Ayes,” Stites, Burroughs, Burns, Ramirez, Hill, Kane, Lopez. (Commissioner Bynum was out of the room).

**MAYOR GARNER AJOURNED
THE MEETING AT 6:00 p.m.**

Monica L. Sparks
Interim Unified Government Clerk

dt

July 18, 2024

CONSENT AGENDA ITEM NO. _____

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

PLANNING & ZONING AND
REGULAR SESSION
JUNE 29, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, June 29, 2023, with eight members present: 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; and Garner, Mayor/CEO, presiding. Bynum, Commissioner At-Large First District; Ramirez, Commissioner Third District; and Davis, Commissioner Eighth District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Gunnar Hand, Director of Planning and Urban Design; Jeff Fisher, Executive Director of Public Works; Jeff Miles, Director of Water Pollution Control; Brett Deichler, UG Clerk; and Brittne MacDonald, UG Clerk's Office.

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

During the meeting, please make sure that you announce yourself by name, if you're allowed to speak, as well as your title 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 the Kansas Attorney General's Office. When you do speak into the microphone, make sure you speak loudly and clearly so that it could be captured for record by our Clerk.

Mayor Garner said I will now call this meeting to order. Roll call.

Roll call: Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan, Garner. (**Mr. Deichler** said Davis and Bynum both have absent memos. Commissioner Ramirez has an absent memo.)

Mayor Garner said tonight's invocation is going to be given by Pastor Annie Erickson of Grandview Park Presbyterian Church, immediately followed by the Pledge of Allegiance.

Mayor Garner asked, Clerk, are there any revisions on tonight's agenda? **Mr. Deichler** said there was a change on tonight's Regular Consent Agenda. That was the removal of Item No. 1 from tonight's agenda surrounding the adoption of a resolution of intent to issue industrial revenue bonds for the Margaritaville and Homefield Outdoor project. This action will actually require us to hold two separate public hearings which have also been added to tonight's Public Hearing Agenda. That represents all the modifications to tonight's agenda.

Mayor Garner said with that being said, we have two distinct parts to our meeting. The Planning and Zoning portion, which we'll handle first, followed by our Regular Commission meeting.

PLANNING AND ZONING AGENDA

Mayor Garner said I'll ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of tonight's meeting, followed by the items on the Planning and Zoning Consent Agenda.

Brett Deichler, UG Clerk, read the statement, required by state law.

PLANNING AND ZONING CONSENT AGENDA

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 Markley** said I have had contact with opponents of Non-Consent Agenda Item SP2023-020 – Shaymond Janes. **Commissioner Burroughs** said I, too, have had contact from opponents of SP2023-020. **Commissioner Kane** said same group. **Commissioner McKiernan** said contact from opponents of SP2023-016 and opponents of SP2023-020. **Commissioner Stites** said proponents of SP2023-011.

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 recommendations of the Planning Commission.

Mayor Garner said I'll ask if anyone in attendance would like to set aside an item.

Action: Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the Planning and Zoning Consent Agenda items.

Mayor Garner asked, Clerk, is there anyone joining us virtually who'd like to set aside an item?
Mr. Deichler said seeing none.

Roll call was taken on the motion and there were seven "Ayes," Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

CHANGE OF ZONE APPLICATION

Item No. 1 – 212534...CHANGE OF ZONE APPLICATION COZ2023-011 - AARON MOORE WITH KAW VALLEY ENGINEERING

Synopsis: Change of Zone from R-2 Two Family District to RP-5 Planned Apartment District to convert a church into apartments at 2508 North 12th Street and 1208 Cleveland Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 212538...MASTER PLAN AMENDMENT APPLICATION MPL2023-006 - AARON MOORE WITH KAW VALLEY ENGINEERING

Synopsis: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 2508 North 12th Street and 1208 Cleveland Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant and representative, Aaron Moore with Kaw Valley Engineering, wants to rezone 2508 North 12th Street and 1208 Cleveland Avenue from R-2 Two Family District to RP-5 Planned Apartment District to convert a vacant church into a two and one-half (2-½) story,

12-unit multi-family apartment building on 0.428 acres. The Planning Commission voted 9 to 0 to recommend approval of Master Plan Amendment MPL2023-006 and Change of Zone COZ2023-011, subject to:

1. Because this is a planned district (proposed), a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
2. If historic designation is sought by the applicant, contact Randy Greeves, Historic Preservationist to begin that process at (913) 573-5763 or jlgreeves@wycokck.org
3. Per the Multi-Family Residential Design Guidelines:
 - a. Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.
 - b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - i. The primary entrance or entrances to each principal multi-family building; and,
 - ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.
 - c. Exterior building materials shall not include the following:
 - i. Board and batten wood;
 - ii. Smooth-faced or grey concrete block;
 - iii. Painted concrete block;
 - iv. Tilt-up concrete panels;
 - v. Field painted or pre-finished standard corrugated metal siding;
 - vi. Standard single or double tee concrete systems; and,
 - vii. Vinyl siding.
 - d. Landscaping is required to screen all parking areas and service entries;
4. Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be "stepped". Four (4) feet of terrace is required every 8 feet of wall;
5. Relocate the second pole west on Cleveland Avenue due to the potential parking lot curb cut;
6. The sidewalk along Cleveland Avenue shall extend from the intersection west to the edge of the property line.
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary;
7. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361). Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;
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. Interior parking lots lights shall have 90-degree cutoff fixtures;
10. Install bike racks near the front door or a high trafficked entrance/exit; The proposed building will need to match the building and use similar materials as the existing church;
11. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;

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. Maintain and prune existing trees along the north and west property lines;
14. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 0.428 acres, which requires four (4) trees, two (2) additional evergreen or shade trees and 12 shrubs for buffering per the zoning district;

15. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
16. All landscaping shall be irrigated;
17. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
18. All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
19. All electrical meter banks, typically on the side of the building shall be screened from public view;
20. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
21. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum

- of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
22. Satellite dishes shall not be erected on the exterior of windowsills. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
 23. 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;
 24. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
 25. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 26. 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;
 27. 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;
 28. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,

29. 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 Kane made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2023-011 and Master Plan Amendment Application MPL2023-006, subject to the stipulations. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212536...SPECIAL USE PERMIT APPLICATION SP2023-022 - CURTIS PETERSON WITH POLSINELLI PC

Synopsis: Special Use Permit to operate a retail shooting range at 10000 France Family Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Amy Grant with Polsinelli, requests a Special Use Permit for a commercial retail space with a firearm training facility and shooting range at 10000 France Family Drive. This property had received an indefinite Special Use Permit in September 2016; however, the ownership of the business has changed, which necessitates a new Special Use Permit. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2023-022, subject to:

1. Shall comply with local, State and Federal laws, as applicable;
2. The parking lot shall be restriped, as the striping has faded;
3. All dead landscaping must be replaced in-kind, as demonstrated in the landscaping plan from 2017;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
5. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office located at 4953 State Avenue, Kansas City, KS 66102 – (913) 573-8780 businesslicense@wycokck.org;
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. 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. 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;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance;
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.

Action: Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2023-022 indefinitely, subject to the stipulations. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 2 – 212537...SPECIAL USE PERMIT APPLICATION SP2023-023 - MARIBEL SANTA ANNA WITH A+M UNLIMITED LLC

Synopsis: Special Use Permit to operate an event space at 6300 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Maribel Santa Anna, is requesting a Special Use Permit to operate an event space with offices at 6300 Parallel Parkway. The applicant is converting a former funeral home into an event space. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2023-023, for two (2) years, subject to:

1. Per the goDotte County-Wide Mobility Plan, North 63rd Street is identified as a priority sidewalk, which requires a 10-foot-wide sidewalk to be installed along 63rd Street on the east side of the property;
2. A tree shall be planted within the existing planters along the south side of the property along Parallel to meet the code standard set by Section 27- 463(g);
3. Additional landscaping or a six (6) foot tall opaque fence shall be constructed on the north and west property lines screening the parking lot and vehicle headlights from the parsonage and single-family homes;
4. All entertainment must cease by at least 1:00 AM;
5. Doors and windows must stay closed during any entertainment performance;
6. 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;
7. No amplified speakers or entertainment is allowed in outdoor spaces;
8. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. 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. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office located at 4953 State Avenue, Kansas City, KS 66102 – (913) 573-8780 businesslicense@wycokck.org;
 13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 14. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
 15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 16. 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;
 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. 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
 20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and

21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Action: Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2023-023 for two years, subject to the stipulations. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

MASTER PLAN AMENDMENT APPLICATION

Item No. 1 – 212538...MASTER PLAN AMENDMENT APPLICATION MPL2023-006 - AARON MOORE WITH KAW VALLEY ENGINEERING

Synopsis: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 2508 North 12th Street and 1208 Cleveland Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard in conjunction with Change of Zone Application COZ2023-011 - Aaron Moore with Kaw Valley Engineering.

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

Item No. 1 – 212539...AN ORDINANCE rezoning property at 4601 Gibbs Road (COZ2022-047) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-59-23**, “An ordinance rezoning property hereinafter described located at approximately 4601 Gibbs Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G

Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 2 – 212540...AN ORDINANCE rezoning property at 10200 Abilities Way (COZ2023-001) from CP-2 Planned General Business District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-60-23**, “An ordinance rezoning property hereinafter described located at approximately 10200 Abilities Way, in Kansas City, Kansas, by changing the same from its present zoning of CP-2 Planned General Business District to CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 3 - 212543...AN ORDINANCE rezoning property at 5910 County Line Road (COZ2023-003) from R-1 Single Family District to CP-1 Planned Limited Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-61-23**, “An ordinance rezoning property hereinafter described located at approximately 5910 County Line Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to CP-1 Planned Limited Business District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 4 – 212544...AN ORDINANCE rezoning property at 1013 Metropolitan Avenue, 1605 South Baltimore Street and 1003 Ruby Avenue (COZ2023-007) from R-1(B) Single Family

District to RP-M Planned Mobile Home Park District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-62-23**, “An ordinance rezoning property hereinafter described located at approximately 1013 Metropolitan Avenue, 1605 South Baltimore Street and 1003 Ruby Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to RP-M Planned Mobile Home Park District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 5 – 212545...AN ORDINANCE rezoning property at 410 Ann Avenue (COZ2023-008) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-63-23**, “An ordinance rezoning property hereinafter described located at approximately 410 Ann Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 6 – 212546...AN ORDINANCE authorizing a Special Use Permit at 7250 State Avenue (SP2022-098) to operate a child education center in a building on the campus of KCKCC, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-64-23**, “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 child

education center in a building on the campus of KCKCC, 7250 State Avenue, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 7 – 212547...AN ORDINANCE authorizing a Special Use Permit at 1127 Southwest Boulevard (SP2022-122) for continuation of a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-65-23**, “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 1127 Southwest Boulevard, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 8 – 212548...AN ORDINANCE authorizing a Special Use Permit at 1963 North 63rd Drive (SP2023-002) to install and operate a stealth monopole telecommunications tower and associated ground equipment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-66-23**, “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 install and operate a stealth monopole telecommunications tower and associated ground equipment at 1963 North 63rd Drive, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 9 – 212549...AN ORDINANCE authorizing a Special Use Permit at 4443 Eaton Street (SP2023-006) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-67-23**, “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 Short-Term Rental at 4443 Eaton Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 10 – 212550...AN ORDINANCE authorizing a Special Use Permit at 1215 Merriam Lane (SP2023-009) to remove earthen fill from the property, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-68-23**, “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 remove earthen fill from the property at 1215 Merriam Lane, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 11 – 212551...AN ORDINANCE authorizing a Special Use Permit at 924 North 98th Street (SP2023-012) for grading to prepare the site for future development, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-69-23**, “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 prepare the site

for future development at 924 North 98th Street, Kansas City, Kansas.”
Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 12 – 212552...AN ORDINANCE authorizing a Special Use Permit at 336 South 42nd Street (SP2023-013) for tire sales and servicing for trucks and semi-trucks, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-70-23**, “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 tire sales and servicing for trucks and semi-trucks at 336 South 42nd Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 13 – 212553...AN ORDINANCE authorizing a Special Use Permit at 3130 North 122nd Street (SP2023-014) to operate a YMCA summer day camp, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-71-23**, “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 YMCA summer day camp at 3130 North 122nd Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 14 – 21254...AN ORDINANCE authorizing a Home Occupation Special Use Permit at 3704 North 99th Street (SP2023-015) to operate a commercial specialty shop, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-72-23**, “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 commercial specialty shop at 3704 North 99th Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 15 – 21255...AN ORDINANCE authorizing a Special Use Permit at 695 and 701 Village West Parkway (SP2023-018) for continuation of live entertainment at Chateau Avalon Hotel, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-73-23**, “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 live entertainment at Chateau Avalon Hotel, 695 and 701 Village West Parkway, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 16 – 212556...AN ORDINANCE authorizing a Special Use Permit at 13400 Donahoo Road (SP2022-115) to continue to operate a microbrewery, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-74-23**, “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 continue to operate a microbrewery at 13400 Donahoo Road, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 17 – 212557...AN ORDINANCE rezoning property at 706 Shawnee Road (COZ2022-051) from R-1 Single Family District to RP-2(B) Planned Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-75-23**, “An ordinance rezoning property hereinafter described located at approximately 706 Shawnee Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to RP-2(B) Planned Two Family District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 18 – 212558...AN ORDINANCE rezoning property at 12200 Donahoo Road (COZ2023-004) from R1 (WYCO) Residential District to R-1 Single Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-76-23**, “An ordinance rezoning property hereinafter described located at approximately 12200 Donahoo Road, in Kansas City, Kansas, by changing the same from its present zoning of R1 (WYCO) Residential District to R-1 Single Family District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212533...SPECIAL USE PERMIT APPLICATION SP2023-016 - TYLER REYNOLDS AND JUSTIN ROBLES

Synopsis: Renewal of a Special Use Permit (SP2022-012) for a Short-Term Rental at 527 Tenny Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicants, Tyler Reynolds and Justine Robles, are request a renewal of a Special Use Permit to operate a short-term rental at 527 Tenny Avenue. The subject property has been used as a rental periodically since 2001 or earlier. The Planning Commission voted 8 to 1 to recommend approval of Special Use Permit SP2023-016, for one (1) year, subject to:

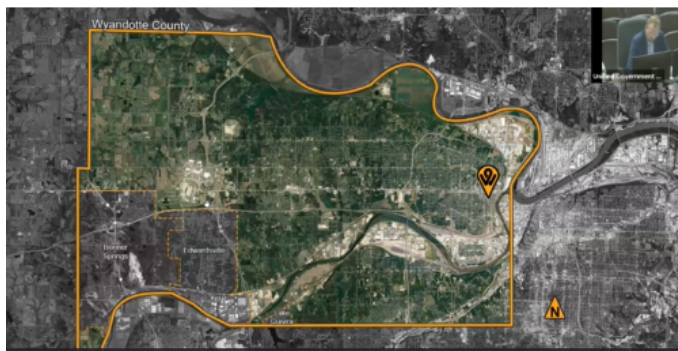
1. This Special Use Permit shall comply with Sections 27-214 and 27-623;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2);
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;

14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit; and,
21. Applicant will send a letter to the property owners within 200 feet and the Strawberry Hill Neighborhood Association with the Applicants' contact information.

Case	
SP2023-016	
Petitioner	Address
Tyler Reynolds & Justine Robles	527 Tenny Avenue
Synopsis	

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 renewal for a short-term rental. This would be their first renewal.



This is in the Central area plan in the Strawberry Hill neighborhood.

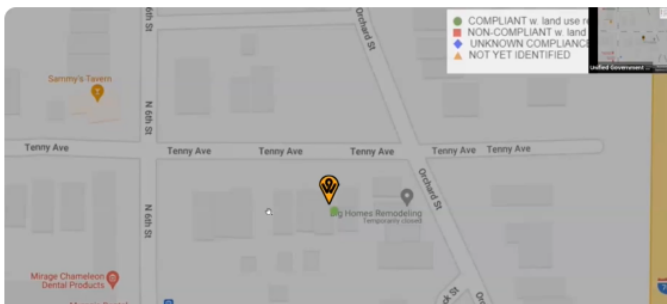


This case, during the Planning Commission hearings, was held over one month as the applicant did not meet all of the conditions of approval. After meeting all the conditions of approval, the City Planning Commission moved forward with a recommendation of approval with a vote of 8 to 1.

June 29, 2023



Staff agrees with Planning Commission's recommendation with the following conditions, including the maximum of six people in the building and two cars max off-street.



June 29, 2023



Staff Recommendation	
Commission hearing on 8:15 3053 in opposition: member of the public attended the City Planning Staff has received one (1) by one call in opposition One (1) and no other comments.	Staff has received one (1) letter in support no other comments.
Public Opposition	Public Support

Mayor Garner said I'll ask the applicant or representatives to present the application.

Justine Robles said Tyler Reynolds was not able to make it today. He wasn't able to get off work. However, he is on the phone if I would be able to put a headphone in, he could help me with questions if that's okay. We are located at 536 Tauromee Avenue, Kansas City, Kansas 66101. We purchased the property of 527 Tenny Avenue, Kansas City, Kansas 66101. It was recently renovated to a family home, and we are requesting for renewal for a special use permit for a short-term rental.

Mayor Garner asked, did you say you had the petitioner on the phone, online? **Ms. Robles** said Tyler Reynolds is on the phone just to help me out with questions. **Mayor Garner** asked, are you able to patch that in so everyone can hear him? We have to hear from him directly. Is that possible? **Ms. Robles** said yeah, sure. **Tyler Reynolds, 536 Tauromee Avenue.**

Mayor Garner asked, is there anything else you would like to add?

Ms. Robles said I guess what we wanted to add, we are a small business. It's only me and Tyler that's a part of this short-term business. We're not planning to expand.

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Mayor Garner said I will now open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments in favor of the item? **Mr. Deichler** said no comments were received by the Clerk. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, is there anyone joining us virtually, Clerk, who would like to speak in favor of this item? **Mr. Deichler** said seeing none as well.

Mayor Garner asked, Clerk, were there any notifications received from the public who wish to express comments in opposition? **Mr. Deichler** said no notices were received. **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 would like to speak in opposition of the item? **Mr. Deichler** said seeing none as well.

Mayor Garner said I will now close the public hearing. Would you like to make some closing comments, petitioner?

Ms. Robles said sorry. I'm just really nervous.

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

Commissioner McKiernan asked, Mr. Hand, have there been any recorded calls for service from the Police Department at this address in the last year that this permit has been active? **Mr. Hand** said we received no notices of violation or any other complaints.

Commissioner McKiernan said I did notice that at the Planning Commission there was one letter received in opposition and one letter received in support, both from people who live within a block of this address. Given the fact that there's been no verified calls for service and given the fact I noticed in your materials to your guests that you say that there's a maximum of eight people allowed in this rental, but I know you know now it's a maximum of six, correct, with a maximum of two cars parked off-street behind that house. Excellent.

Given the fact that Mr. Reynolds lives but four blocks away from this address, and as you do as well, that you would then be available quickly if there were an issue that needed to be addressed. I'm just going to ask that you make sure that the neighbors around this residence know

how to get a hold of you, and that you make sure that to the best of your ability, your guests are good neighbors to everyone around them for the entirety of their stay there.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2023-016, as submitted, for one year, subject to the stipulations. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 2 – 212535...SPECIAL USE PERMIT APPLICATION SP2023-020 - SHAYMOND JANES

Synopsis: Special Use Permit to operate a Short-Term Rental at 2737 South 53rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Shayman Janes, is requesting a Special Use Permit to operate a short-term rental at 2737 South 53rd Terrace. This is not the owner’s primary residence. This short-term rental has been operating without proper permitting since at least June 2022. This is the first and only non-owner occupied, short-term rental permitted on the 2700 block of South 53rd Terrace. The Planning Commission voted 6 to 3 to recommend approval of Special Use Permit SP2023-020, for one (1) year, subject to:

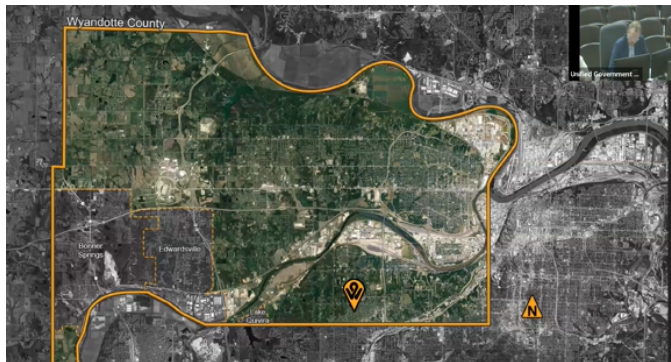
1. This Special Use Permit shall comply with Sections 27-214 and 27-623;
2. All critical repairs outlined by staff shall be repaired prior to operation;
3. The remaining non-life safety repairs as described within the home inspection report shall be completed by the applicant’s next renewal period;
4. The applicant shall withdraw their rental license and instead obtain a business license, as a short-term rental is considered a business within the Unified Government;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
9. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. 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);

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 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;

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;
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;
24. Install netting around the basketball court to prevent basketballs from leaving the property onto the neighboring properties; and,
25. No loud music on the back patio after 10:00 p.m.

Case	
SP2023-020	
Petitioner	Address
Shaymond Janes	2737 South 53 rd Terrace
Synopsis	
To operate a short-term rental. This is not the applicant's primary residence.	

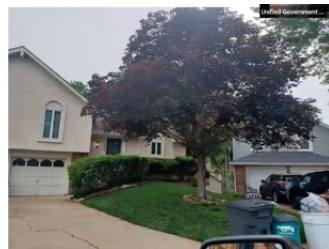
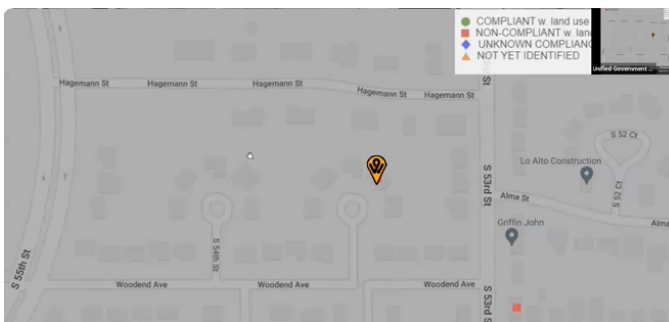
Gunnar Hand, Director of Planning and Urban Design, said this is a new special use permit for a short-term rental. Again, this is a non-owner occupied property.



It's in the City-Wide and Comprehensive Plan area in the Turner neighborhood.



Staff received no letters of support. There was opposition, both provided to staff and at the City Planning Commission, earlier this month. There is a notice of violation on this property as it was operating as a short-term rental without a SUP. So, it came to us as a part of a zoning enforcement case. Staff does agree with the Planning Commission and recommends approval for one year with a maximum of seven people and three cars off-street.



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Public Opposition Staff has received three (3) phone calls and one (1) letter written in opposition. Five (5) people appeared at the City Planning Commission hearing on 6.12.2023 in opposition.	Public Support None to date.
Staff Recommendation Approval	

Mayor Garner said I'll ask the applicant or representative to present the application request.

Shaymond Janes, 9625 Lamar Ave., Overland Park, KS, said I'm applying for a special use permit for property address 2737 South 53rd Terrace to operate as a short-term rental. At the pre-Planning Commission, there were a couple of issues that were brought up that I was required to fix. One neighbor had brought up that basketballs were bouncing over the fence, so I was asked to put up some netting. I have done that. I don't think there'll be any more problems with basketballs.

I was also asked to have a hard cut-off with music at 10:00, which we will implement. Right now, we're not advertising the short-term rental. I wasn't aware originally that I needed a short-term use permit to operate the property, so I've been going through this process since then. The property is not rented.

In addition to the 10:00 cut-off time on music, all of the lights, we put in timers and the lights will also shut off outside in the backyard, which is where people tend to gather because

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there's a pool and a basketball court back there. I've turned off the lights now at 10:00 as well. That wasn't recommended, but I added that.

We've also put in place a lot of different language so that our guests are reminded, I think, four different times now, before they come to the property, that parties are strictly prohibited and/or loud music as well. We are asking each guest and we're reminding them that this is a residential neighborhood and that there are children around and to please be respectful of the neighbors with regards to volume of music, music choices, and just in general, be respectful of the neighbors.

In addition to that, I have installed security cameras on the front of the house and on the rear of the house. These are hard-wired cameras that are wired hot, which means that they are on all the time, so it's 24-hour surveillance and that goes directly to my phone. So, if there's people there, I get notifications if someone shows up. I have the ability to view the property at all times.

I just want to state that we're honestly trying to run this as a real business. I'm a business owner in Kansas. I have been for 15 years. I run two businesses. We're really trying to do a good job here. We really want to be the model of what a good short-term rental should be as opposed to all these horror stories that we hear on the news.

That said, for the most part, I think we've done a pretty good job. I know there's been a couple of things. I don't think the police have been called or anything. To my knowledge, there haven't been any large parties and we've been strictly against that since the very beginning, as mentioned at the initial meeting.

We also require a three-night rental. I hope that will prevent against people having large parties. I do not allow local groups, which I think will eliminate the possibility of people inviting over their friends and family members from here locally. All of our guests are families that are typically traveling into Kansas City from out of town.

So, respectfully, we are really trying to do everything possible we can to do this right. We respectfully ask for your support for at least the next year so we can make this thing go.

Mayor Garner said I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments in favor of this item. **Mr. Deichler** said no notifications were received. **Mayor Garner** asked, is 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, Clerk, 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 wish to express comments in opposition of the item? **Mr. Deichler** said no notices were received. **Mayor Garner** asked, is 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'd 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. Petitioner, you can make closing comments if you'd like. **Mr. Janes** said no, thank you.

Commissioner Markley asked, how many of the improvements that you spoke to us about tonight are the neighbors that were in opposition aware of? I'm just not sure what the timeline was of when some of those things that you said you didn't have to do but you've chosen to do that.

Mr. Janes said I personally spoke to—the main neighbor that was in opposition is directly behind me. I personally went to him and apologized to him. The problem there was some individuals that came at the draft and his wife was sitting outside and they were hooting and hollering at her. That's what he said. I'm appalled by that. I told him that. I apologized profusely. His wife was on the phone the day before and I tried to apologize to her directly. That is absolutely not what we're looking for with regards to the people that stay at our home. He mentioned to me that was the only main issue. He does have my contact information now. I did tell him about the other things that we're doing.

He's not the same neighbor about the basketballs. The basketballs are on kind of—the yard comes to a corner in the back so one's on one corner and one's on the other.

In my letter to all the neighbors, I provided numerous ways of getting ahold of me and I'm available via text; cell phone. I live 10 minutes away. I'm not four blocks. I do have the cameras on and I will be there very, very quickly. I'm there all the time anyway. I take meticulously good care of the property. I'm pretty OCD about it. It's a family home. My dad built the house. I grew up in that house, and the neighborhood means a lot to me. Kansas City, Kansas, means a lot to me and I want to keep it and keep it going.

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Commissioner Markley said that's what I'm trying to determine is this past week we got, I did and I think several other commissioners did as well, contact from the neighborhood group and some neighbors in a different neighborhood group about this property. What I'm trying to determine is whether they were aware of some of these additional measures you've taken in terms of the security cameras and those sorts of things.

Mr. Janes said I don't know the neighborhood group. I'm not sure if they were the same group, the Turner group, that had objected originally. It is my plan to try to join some of those groups, if they're available to join, so I can be part of the community and find out what's going on and be a part of that. I welcome an invitation. If any of those groups would have me, I'd like to join.

In answer to your question, I'm not aware of even who they are so I can't answer the question.

Commissioner Markley said those items that you discussed here tonight weren't discussed at the Planning Commission, so they wouldn't have been a part of that record. Gunnar, do you see where I'm going with this?

Mr. Janes said they were recommended. The netting was recommended, yes. The music cut-off was recommended as well. I did let everybody know that I had already purchased cameras at the Planning Commission, but I had not installed them. Now they are installed.

Mr. Hand said if you look at the conditions of approval, 24 and 25 were added as it relates to the conversation at the City Planning Commission. I would also note that Ms. Barb Kill is on the call right now, who is the head of the Turner Community.

Commissioner Townsend said I was wondering, Mr. Janes, what would be your policy procedure on allowing people who had been a nuisance or on which the police had been called one time if they wanted to come back to you.

Mr. Janes said absolutely not. We have a way of reviewing people online as well. I'm, in fact, looking into going back and reviewing my Vrbo guests. I'm not sure if I'm allowed to do that. I provided a good review to that one person who stayed there, but I was not aware that had happened with the neighbors. So, no, absolutely not. It would never happen.

Commissioner Townsend asked, is that up to you or is that up to...?

Mr. Janes said it's up to me. The only site that we go through is the Vrbo site. We can approve or disapprove every single guest that request a booking. There's a lot of communication that can happen there. In fact, we go above and beyond to try to do a good job of communicating with all of our guests so they are aware of all of our rules and regulations and everything else, not only from the standpoint of the neighborhood, noise, and parties; but also just taking good care of our home. We try to do a good job of communicating via text and also email before, during, and then after the stay.

Commissioner Townsend asked, are you keeping a list of guests who've rented and what complaints have been?

Mr. Janes said quite honestly, I don't have a list. I don't have any complaints other than the one. **Commissioner Townsend** said well, that's the one. **Mr. Janes** said yes, yes; absolutely, yes.

Commissioner Markley said we have a bit of a complication here tonight because we don't have eight commissioners. As you may recall, the petitioner and the Clerk read our options. Our options are limited on what we can do with any item that comes before us tonight because we don't have our full contingent of commissioners.

My inclination was, after discussions with the neighborhood groups, to a direction that wouldn't necessarily be favorable, but it sounds like you're doing a lot of good things. What I'm inclined to do is hold this over until next month. Ask you to regroup with the neighborhood groups. Make sure they're aware of all the things that you're doing. Meet those people. Come back next month where I hope we won't have anybody who's contacted us in opposition. That makes for a much cleaner situation, I think, for your neighborhood relationships and for our situation.

Action: **Commissioner Markley made a motion, seconded by Commissioner Townsend, to hold over Special Use Permit Application SP2023-020 until the next full Commission Planning and Zoning meeting.**

Mr. Janes said I'm just curious with regard to the neighborhood meeting and going there. I'm perfectly willing to do that. What would be the expectation of me in doing that? Am I expected to convince those folks?

Commissioner Stites said here's what I think that was expressed. You just say the things that you did above and beyond number 24 and number 25. I think what you said you installed additional lighting that's going to shut off at a certain time. They weren't aware of that. Just make those aware. Maybe you can look and find out if you can join one of those groups that you were saying that you were interested in between now and then. I don't know. That's up to you. Those types of things.

Mr. Janes asked, can I receive, at least, who those groups are? **Commissioner Stites** said I'm sure Director Hand will help you with that.

Roll call was taken on the motion to hold the item over and there were seven "Ayes," Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Mayor Garner said that concludes the Planning and Zoning portion of tonight's meeting. We will now move to the regular portion of our agenda.

MAYOR'S AGENDA

Item No. 1 – 212562...APPOINTMENT: MAYOR'S WORLD CUP READINESS TASK FORCE

Synopsis: Appointment of Alan Carr, Executive Director, Visit Kansas City, Kansas, as chair of the Mayor's World Cup Readiness Taskforce, submitted by Ana Marin, Executive Assistant, Office of Mayor/CEO Tyrone Garner.

Mayor Garner said the Greater Kansas City Chamber of Commerce has been making its rounds kind of updating local municipalities on the values and the benefits, as well as some of the challenges that may be presented to our communities from the World Cup, which is coming to the Kansas City metro in 2026. As a result, I have set up a Mayors' World Cup Readiness Task Force, which is chaired by our Visit KCK Executive Director Alan Carr and co-chaired by our Unified Government of Wyandotte County/Kansas City, Kansas Administrator David Johnston.

I'll have Mr. Carr come forward and make a presentation on just his vision and the importance of this task force.

Alan Carr, Executive Director for Visit Kansas City, Kansas, said I want to thank you, Mayor, for putting this task force together. We have a huge opportunity in front of us here in Wyandotte County and in the Kansas City metro area with the World Cup coming up in 2026. It's three years away. In fact, on this night three years from now, we will be in the middle of the World Cup. We'll likely have hosted matches already here in Kansas City and welcomed visitors from around the world. So, I'm excited to work with the County Administrator to make sure that we can take maximum opportunity here in Wyandotte County of this event.

It is the single biggest single sports event in the world. Likely one of the biggest events we can ever host here in the Kansas City metropolitan area. There's a lot of work still to be done with the local organizing committee. The County Administrator is the Unified Government's official representative to that group. There's still a lot of decisions that FIFA has to make. We don't yet know how many matches, for example, will take place here in the metro area. It's estimated it will be somewhere between seven and nine matches that will take place at Arrowhead Stadium.

We don't know what sites will be used as training facilities or what sites will be used as base camps. These would be the places where those 48 teams from around the world will use to train in advance and during the World Cup, and those sites will be meccas for the fans of those teams who will travel to those cities to spend up to 37 days, the duration of the Cup, here in the United States and potentially here in Kansas City. What we do know is that Wyandotte County is very well positioned to be a big part of this event. We have two of the premier soccer facilities in the metro and, quite frankly, in the United States. We think it's likely that both of those facilities will be part of the World Cup and in FIFA's plans,

Children's Mercy Park likely has the potential to be a training site for the teams playing their matches here in Kansas City, and Compass Minerals National Performance Center has a great opportunity to be a base camp for one of those teams to train for the duration of the World Cup. It is a facility unlike few, or may even say any, in the United States. So, there is a great opportunity to potentially attract one of the major clubs.

Just as an example. In the last World Cup in Qatar, Argentina, which is one of the powers in the soccer world, it's estimated that between 15 and 20,000 fans from Argentina went to Qatar and spent approximately a month there following their team around during the World Cup. Imagine if we have a team based here in Kansas City, Kansas, the opportunity that we have.

So, I'm excited to work with the County Administrator to put together this task force. We're just in the starting stages so we'll be organizing, but I know that there are two big picture tasks in front of us. The first is support the needs of FIFA and the Kansas City 2026 Organizing Committee to make sure that we, as a county and as a city, are ready for everything that they'll need from us in 2026 from transportation to security to looking at employment opportunities for the residents here in Wyandotte County. So, I'm excited to work with the County Administrator, who sits on that body, to look at what we can do to support those needs.

The other thing I think is just equally important and that's how do we showcase Wyandotte County to the world during this event? I think that is one of the major opportunities standing in front of us. How can we get visitors to come to every corner of our county, enjoy our attractions, our restaurants, our culture, our history? That is also, I think, one of the major focuses that we'll be looking at. How can we showcase Wyandotte County to the world and make a lot of things for a lot of fans that are here? So, thank you for this opportunity. I'm looking forward to the work to go ahead.

Mayor Garner said I know we talked about all of the benefits. What are some of the challenges that this task force could really deep dive into when you talk about this many people coming not just to the KC metro, but may end up here in Wyandotte County? I went to that meeting and there's a lot of things that come to mind, everything from infrastructure to lodging to restaurants to. I mean, you can name just about everything that the Unified Government has some type of hand in may be impacted and propose challenges not just to the Unified Government and some of our business stakeholders, but also to our residents. What does that look like to you?

Mr. Carr said absolutely. I think this event will touch every aspect in every corner of our community. Making sure that we're ready to get people around that infrastructure, that we have the capacity to do that. Taking maximum advantage of getting those visitors here. There will likely be more demand for hotels than there are rooms. So, those are things that we'll be looking at. I know that they're already looking up to a 2-hour radius outside of our metro area for hotel

rooms. There's a lot of opportunity with that, but that can also put a strain on things. We know that we have a shortage of rental housing and affordable rental housing. There's potential that you could see prices go up during the World Cup as people take advantage of all of those people looking for those opportunities. I think there's a lot of good that can come out of this, but we want to make sure that we're ready and that we're doing everything we can to address all of those needs and issues.

Commissioner Townsend said, Mr. Carr, you mentioned that with Qatar, that was a month for the actual games, I don't recall; or that took into account for a month of training and preparation. Do you have any idea if that'll be pretty much the same here, the length of time that they'd be engaged here?

Mr. Carr said yeah, so 37 days is the magic number they're giving us. That's the time from when the first match happens to the final match. Now, not all of those matches will take place here, but we also know that those teams will come into town. We are looking at approximately a 30-day window where we expect to see visitation impact in our metropolitan area.

Mayor Garner said okay. Thank you, Mr. Carr. Appreciate you.

Action: **Presentation was made.**

Mayor Garner said that takes us to Items 2 and 3. If the Clerk could read those in summary.

Item No. 2 – 212568...PROCLAMATION: JUNETEENTH 2023

Synopsis: Proclamation proclaiming June 19, 2023, as Juneteenth Freedom Day, submitted by Tyrone A. Garner, Mayor/CEO.

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



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, On January 1, 1863, President Abraham Lincoln's Emancipation Proclamation went into effect, recognizing and securing in law the unalienable right to freedom of every enslaved person behind Confederate lines; and

WHEREAS, over two and one-half years later, Union Army General Gordon Granger arrived in Galveston, Texas, and read Order Number Three on June 19, 1865, informing the enslaved residents of that State of their freedom; and

WHEREAS, from that day forward, June 19th has been a day of celebration, prayer, and reflection focused on the history, hardships, and achievements of Black people throughout the United States of America; and

WHEREAS, Opal Lee, the "grandmother of Juneteenth" is an American retired teacher, counselor, and key activist in the movement to make Juneteenth a federally recognized holiday inspired President Joe Biden to sign Senate Bill S. 475, on June 17, 2021, making Juneteenth the eleventh federal holiday; and

WHEREAS, the work of securing liberty, justice, racial conciliation, and healing for all continues throughout Wyandotte County and the State of Kansas. As such, we will continue our efforts to eradicate systemic racism, racial supremacy, hatred, bigotry, and bias that have a negative disparate impact on people of color; and

WHEREAS, the legacy of Wyandotte County/Kansas City, KS, has a rich cultural history as a free state given the Quindaro Township (our abolitionist settlement founded in 1856), along with our cultural diversity and the historic accomplishment of many of our African Americans residents.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim June 19, 2023, as:

"Juneteenth Freedom Day"

In Wyandotte County/Kansas City, Kansas,
and urge all citizens to recognize the
importance of Juneteenth. 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

Action: Proclamation was read.

Item No. 3 – 212570...PROCLAMATION: NATIONAL PARKS AND RECREATION

Synopsis: Proclamation proclaiming the month of July 2023, as Parks and Recreation Month, submitted by Tyrone A. Garner, Mayor/CEO.

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



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, The National Recreation and Park Association recognizes July as "Parks and Recreation Month"; and

WHEREAS, this year's theme — "Where Community Grows" — celebrates the vital role that parks and recreation play in the quality of life in communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Wyandotte County and Kansas City, Kansas; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, recognizes the benefits derived from parks and recreation resources;

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim that July is recognized as Park and Recreation Month, and that Wednesday, July 12, 2023 will be a "Free Swim Day" at Parkwood Pool, 950 Quindaro Blvd.

TYRONE GARNER, MAYOR/CEO

June 29, 2023

Action: Proclamation was read.

(Mayor Garner left the meeting at 7:46 p.m.)

Commissioner Townsend said another plug for Parkwood Pool. Things are going well so far. Daily admission is only a dollar. We've kept it at that rate for any number of years.

And, again, on Wednesday, July 12th, as the Mayor's proclamation states, it'll be Free Swim Day. I wanted to give Parkwood Pool and everyone there another plug.

REGULAR CONSENT AGENDA

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

If you'll remember, on the Regular Consent Agenda, we had the removal of Item No. 1.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Regular Consent Agenda. Roll call was taken and there were seven "Ayes," Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 1 – 212434...RESOLUTION: ADOPTION OF RESOLUTION OF INTENT TO ISSUE INDUSTRIAL REVENUE BONDS (MARGARITAVILLE/HOMEFIELD OUTDOOR PROJECT) (REMOVED PER BLUE SHEET)

Synopsis: Adoption of a Resolution of Intent to issue industrial revenue bonds for the Margaritaville/Homefield Outdoor project, submitted by Patrick Waters, Acting Chief Legal 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. Mayor requested this item be returned to the standing committee for further review. On June 5, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full Commission.

Item No. 2 – 212496...RESOLUTION: A RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO THE PERFORMANCE AGREEMENT BETWEEN THE UG AND CPC LAND ACQUISITION LLC (CRITERION DEVELOPMENT)

Synopsis: A resolution authorizing the first amendment to the performance agreement between the Unified Government and CPC Land Acquisition LLC (Criterion Development), extending the construction commencement and completion dates, submitted by Patrick Waters, Acting Chief Counsel. On June 5, 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-44-23**, “A resolution approving and authorizing the Mayor/CEO to execute a first amendment of performance agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, and CPC Land Acquisition Company, LLC.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item NO. 3 – 212499...ORDINANCE: AUTHORIZING THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT RELATED TO THE URBAN OUTFITTERS DISTRIBUTION CENTER

Synopsis: An ordinance authorizing the creation of a Community Improvement District related to the Urban Outfitters Distribution Center, submitted by Patrick Waters, Acting Chief Counsel. On June 5, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full Commission.

Action: **ORDINANCE NO. O-77-23**, “An ordinance authorizing the creation of a community improvement district in the Unified Government of Wyandotte County/Kansas City; authorizing the making of certain project improvements relating thereto; approving the estimated costs of such project improvements; and providing for the method of financing the same, including imposition of special assessments (URBN US Retail LLC).” **Commissioner Kane made a motion,**

seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 4 – 212559...PLAT: VILLAGE PLAZA

Synopsis: Plat of Village Plaza, located at 79th and Washington Avenue, and being developed by REK Enterprises, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 5 – 212560...PLAT: HARDEN 1ST ESTATES

Synopsis: Plat of Harden 1st Estates, located at 8941 Georgia Avenue, and being developed by Josh Harden, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 6 – 212561...PLAT: LEGENDS AUTO PLAZA 4TH PLAT

Synopsis: Plat of Legends Auto Plaza 4th Plat, located at N. 98th Street and France Family Drive, and being developed by HFS KCK LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve and authorize the Mayor to sign said plat. Roll call was taken and

there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 7 – 212569...PLAT: EDEN VILLAGE

Synopsis: Plat of Eden Village, located at 10th and Ruby Avenue, and being developed by Three Dog Nights Charities Inc, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 8 – MINUTES

Synopsis: Minutes from the Special Session meetings of May 18, May 25, and June 1, 2023.

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

Item No. 9 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated May 25, 2023.

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

(Mayor Garner returned to the meeting at 7:48 p.m.)

PUBLIC HEARING AGENDA

Item No. 1 – 212434...PUBLIC HEARING: MARGARITAVILLE/HOMEFIELD OUT-DOOR PROJECT (ADDED PER BLUE SHEET)

Synopsis: A public hearing regarding the proposed issuance of industrial revenue bonds for the Margaritaville/Homefield Outdoor project, submitted by Angela Lawson, Interim Chief Counsel.

Mayor Garner said we'll take a five-minute recess to get some additional information. We'll convene back at exactly 7:55.

(Mayor Garner reconvened the meeting at 7:56 p.m.)

Mayor Garner said we have two public hearings added per blue sheet. Our first item is regarding the proposed issuance of industrial revenue bonds to finance the cost of acquiring, constructing, improving, and equipping a 229-room themed hotel and an outdoor multi-use recreational venue and related facilities located at approximately the northeast of State Avenue and North 94th Street.

Angela Lawson, Interim Chief Counsel, said I would invite Kevin Wempe from Gilmore & Bell, our Bond Council, to come forward. The next two items will follow the same format. As you stated, there will be a public hearing on each and then we will ask for an approval of a resolution for each one regarding proposed issuance of industrial revenue bonds.

Industrial Revenue Bonds: HF Baseball & Margaritaville/HF Outdoor

FULL COMMISSION

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Kevin Wempe, Gilmore & Bell, Bond Council to the Unified Government, said as Ms. Lawson stated, I'll just cover the next two items together as they're related and, hopefully, it looks both familiar in substance and appearance. With Mr. Todd LaSala's permission, I've even recycled some of the slides you saw when the development agreement came before you earlier this month.

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I have a short presentation.

To cut to the chase, the reason we're back here tonight with a couple of familiar items is that you'll recall from the standing committee meeting earlier this month, the items were fast-tracked to your first meeting in June for consideration of an amended development agreement. However, the industrial revenue bond items require public notice and to occur at least a week before the meeting. Because it was fast-tracked, we weren't able to do those publications in time.

The publication and public notice process have been completed, so we're here tonight to complete the process prescribed by the IRB statutes related to IRBs for both Homefield Baseball, amending that PILOT schedule, and also the Margaritaville/Homefield Outdoor IRBs.

Map of Project Components



This is just to introduce and reorient ourselves here. A familiar map, obviously, but to the east is the Homefield/Baseball complex, that issue tonight, and also in the central yellow area, the Margaritaville.

Brief History-- IRB Actions

1. **April 7, 2022:** Adopted Res. Nos. R-22-21 (HF Building) & R-22-22 (HF Baseball)
2. **May & June 2023:** ED&F Committee considered amended Development Agreement
3. **June 8, 2023:** Full Commission approved amended Development Agreement
 - HF Baseball PILOTs reduced (now 8 fields instead of 10)
 - MG/ HF Outdoor PILOTs agreed to
 - HF Building PILOTs unchanged
4. **June 29, 2023:** Statutory public hearings and consideration of Resolutions of Intent
 - HF Baseball (amend existing Resolution of Intent re PILOTs)
 - MG/ HF Outdoor (new Resolution of Intent)

This slide displays the brief history related to IRB items here. As you will recall, the original development agreement and a couple of IRB actions from last Spring. Then, in the last several months, we've been discussing an amended development agreement. One of the components being amending the PILOT schedule for the baseball project, and also agreeing to a PILOT

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schedule for the Margaritaville/Homefield Outdoor. Again, that was approved at your first meeting this month. Then we're back tonight to finish the statutory process after completing notice and publication of that notice relating to the IRB items.

Homefield/MGV Hotel PILOT Schedule

	Homefield Building	Homefield Baseball	Homefield Outdoor/Themed Hotel
Year 1**	\$ 241,253	\$ 85,362	\$ 801,500
Year 2	\$ 243,666	\$ 86,216	\$ 809,515
Year 3	\$ 246,102	\$ 87,078	\$ 817,610
Year 4	\$ 248,563	\$ 87,949	\$ 825,786
Year 5	\$ 251,049	\$ 88,828	\$ 834,044
Year 6	\$ 253,559	\$ 89,717	\$ 842,385
Year 7	\$ 256,095	\$ 90,614	\$ 850,808
Year 8	\$ 258,656	\$ 91,520	\$ 859,316
Year 9	\$ 261,242	\$ 92,435	\$ 867,910
Year 10	\$ 263,855	\$ 93,360	\$ 876,589

*Excludes capital outlay mills not subject to IRB property tax abatement.

**For Homefield Building and Homefield Baseball, begins first calendar year after the date when IRBs are issued for either Homefield Building or Homefield Baseball [See Section 4.12(b)(i) of Development Agreement].

The last two slides I have here should look familiar. Again, this is just the comprehensive list of payments in lieu of tax related to the IRB issuances for the three components that were contained in the development agreement.

The first being the Homefield building, which is unchanged, and there's no action item for you here tonight. Middle column's Homefield/Baseball and, again, this is reduced by 80% to what was originally agreed to because if you'll recall, there were originally ten fields and it is now reduced to eight at the baseball site. Finally, the right column is for the hotel, the Margaritaville and Homefield Outdoor. That's a new PILOT schedule agreed to in the development agreement.

Conclusions from Cost/Benefit Analysis

Margaritaville	Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
	City of Kansas City	1.61	6%
	Wyandotte County	2.82	18%
	Kansas City USD 500	14.80	138%
	KC Community College	11.59	106%
	State of Kansas	1.94	9%
Homefield Baseball	Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
	City of Kansas City	8.54	75%
	Wyandotte County	4.16	32%
	Kansas City USD 500	11.03	100%
	KC Community College	5.21	42%
	State of Kansas	2.82	18%

Finally, pursuant to state statute, a third-party feasibility consultant was engaged to do a cost-benefit analysis. The summary results of those are displayed here showing projected effects on other taxing jurisdictions.

That concludes sort of the prepared informational items. Again, tonight, you have both a

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public hearing for consideration of the Homefield Baseball resolution of intent and then second, a public hearing on the Margaritaville/Homefield Outdoor project followed by consideration of that resolution.

Mayor Garner said I will now open the public hearing and ask the Clerk if you've received any notifications from the public who wish to express their comments in favor of this item. **Mr. Deichler** said no notifications were received. **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, is there anyone joining us here in the chambers who would 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 comments in opposition of this item? **Mr. Deichler** said no notifications were received. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Mr. Deichler** said seeing none. **Mayor Garner** asked, is there anyone joining us in the chambers here tonight 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.

Action: **RESOLUTION NO. R-41-23**, "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the principal amount not to exceed \$135,000,000 to finance the costs of acquiring, constructing, improving and equipping commercial facilities and multi-use recreational facilities for the benefit of HFMGV KCK, LLC, and its successors and assigns (Margaritaville and HF Outdoor)." **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were seven "Ayes," Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

**Item No. 2 – 212434...PUBLIC HEARING: HOMEFIELD BASEBALL AMENDMENT
(ADDED PER BLUE SHEET)**

Synopsis: A public hearing regarding the proposed issuance of industrial revenue bonds for the Homefield Baseball Amendment, submitted by Angela Lawson, Interim Chief Counsel.

Mayor Garner said this is our last item regarding the proposed issuance of industrial revenue bonds to finance the cost of acquiring, constructing, installing, and equipping a multi-sport athletic complex, including baseball and other outdoor facilities, located approximately to the north of State Avenue and North 90th Street.

Angela Lawson, Interim Chief Counsel, said this is the same information that Mr. Wempe provided before, just a different one. We would ask that you open a public hearing on this matter and at the close of the public hearing, we would ask for approval of the resolution to issue industrial revenue bonds.

Mayor Garner said a presentation has been made. I will now open the public hearing and ask the Clerk if you've received any notifications from the public who wish to express comments in favor of the item. **Mr. Deichler** said no notifications were received. **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, is there anyone joining us in the chambers who would like to speak in favor of the item? **Mr. Deichler** said seeing none as well.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express comments in opposition to the item? **Mr. Deichler** said no notifications were received. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition to the item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, is there anyone in the chambers who'd 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.

Action: **RESOLUTION NO. R-42-23**, “A resolution amending Resolution No. R-22-22 previously adopted by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, determining its intent to issue industrial revenue bonds to finance the costs of acquiring, constructing, improving and equipping a multi-sport athletic complex for the benefit of HFBB KCK, LLC, and its successors and assigns (Homefield Baseball).” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

STANDING COMMITTEES' AGENDA

Item No. 1 – 212518...APPROVAL: EDWARDSVILLE WHOLESALE WASTEWATER RATE AGREEMENT

Synopsis: Public Works staff will present a new and updated 5-year agreement with wholesale rates that align with Kansas City, Kansas ratepayers, submitted by Jeff Fisher, Executive Director of Public Works. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on June 26, 2023. It was requested, and approved by the Mayor, to fast-track this item to the June 29, 2023, full Commission meeting.

Mayor Garner said this is the approval of an agreement with the city of Edwardsville, Kansas, for a new and updated five-year agreement that would align rates with Kansas City, Kansas, taxpayers. This item was fast-tracked from the Public Works and Safety Standing Committee on Monday, June 26, 2023, which was chaired by Commissioner Bynum. Commissioner Bynum is absent this evening, so I'll ask Jeff Fisher, who's the Director of Public Works, to make comments and remarks in regard to this item.

Jeff Fisher, Executive Director of Public Works, said I'm going to hand this off to Jeff Miles because he's the one that really spearheaded this and met with the Edwardsville Council.

Jeff Miles, Director of Water Pollution Control, said just a little bit of background. We do, I'm sure you guys are aware, we take the wastewater from Edwardsville and treat it at Plant 20. We

operated under a five-year agreement that expired January 1st the beginning of this year. I worked very closely with Michael Webb, their City Manager, and we hired Black and Veatch to do a rate study to look at total costs not only treating per gallon, but as well as our fixed rates. We did present in front of their Council on June 12th and got unanimous approval. We are looking for approval tonight to move forward for the next five years.

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

Item No. 2 – 212529...POLICY UPDATE: HUMAN RESOURCES GUIDE

Synopsis: Update the existing Human Resources Guide, Section 2.19, "Break Time for Nursing Mothers" policy and Add new HR Guide Policy, Section 2.17A, "Pregnant Worker Fairness Act" policy due to recent new federal regulations by the Department of Labor, submitted by Renee Ramirez, Director of Human Resources. This item was scheduled to appear before the Administration and Human Services Standing Committee, chaired by Commissioner Bynum, on June 26, 2023. It was requested, and approved by the Mayor, to fast-track this item to the June 29, 2023, full Commission meeting.

Commissioner Markley said this item was unanimously approved. It is only on Non-Consent because it was fast-tracked. It just brings us in line with federal regulations which, of course, is the minimum we should be doing for our pregnant women and mothers here at the Unified Government.

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

ADMINISTRATOR'S AGENDA

Item No. 1 – 212567...RESOLUTION: EXCEEDING REVENUE NEUTRAL RATE

Synopsis: A resolution regarding the governing body's intent to exceed the revenue-neutral rate and setting the date of a public hearing, submitted by Jeff Conway, Assistant Counsel.

Mayor Garner said this is the approval of a resolution regarding this governing body's intent to exceed the revenue neutral rate and setting the date for the required public hearing.

Administrator Johnston said having such an item for your consideration is a requirement by state law. We have Debbie Jonscher, our Interim CFO, here to present this item.

Debbie Jonscher, Interim Chief Financial Officer, said as was stated, the resolution is the intent to exceed the revenue neutral rate and set the date for a public hearing. Per the state of Kansas requirements, all taxing entities must notify the County Clerk by July 20th of its intent to either remain neutral or exceed the revenue neutral rate. If an entity intends to exceed the revenue neutral rate, it must hold a public hearing between the dates of August 20th and September 20th, and then submit all their budgets to the County Clerk by October 1st.

The resolution coming forward was based on input that we received from the budget workshops over the past couple of months. It states our intent to exceed the revenue neutral rate, and it also sets the maximum mill levy at the current rate. I did just want to note for the city of Kansas City, Kansas, the current rate is 38.476593 mills and the rate for Wyandotte County is 37.328383 mills.

Once the rate is submitted to the Clerk, you will only be able to lower that rate for the budget. It will not be able to be increased.

Also, within the resolution is the date of the public hearing, which is August 28, 2023, at 7:00 p.m.

Action: **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were five "Ayes," Johnson, Kane, Markley, Townsend, McKiernan; and three "Nos," Stites, Burroughs, Garner. (Motion failed.)

Mayor Garner said that takes us to...**Commissioner Markley** said we have to, by state law, make something happen, right? **Mayor Garner** said I think we have dates.

Mayor Garner said the motion has failed. Ms. Jonscher, can you restate the state law on our statutory obligations as far as decision-making?

Ms. Jonscher said we have to notify the County Clerk by July 20th of our intent to either remain neutral or exceed the revenue neutral rate. We do have to file that. I think if we choose to file, and I'll kind of turn to the Clerk, if we were to choose not to file, that would, I would think, mean we were going revenue neutral.

Brett Deichler, UG Clerk, said that is true, Debbie. If you do not choose to exceed, then you make a declaration basically to remain neutral.

Angela Lawson, Interim Chief Counsel, said this would not prohibit you from remaining neutral at a later date. You could still.

Ms. Jonscher said that's correct. This resolution would set the maximum rate at the current rate and you would have the ability to lower it, but you would not have the ability to raise it. You could still lower it during the remaining budget process.

Ms. Lawson said I believe it changes the budget schedule as well if you don't.

Ms. Jonscher said yes. If you do not exceed the revenue neutral, then you're on the previous schedule.

Mr. Deichler said that is correct. If you do not exceed, you remain neutral, you have to have your budget certified by August 25th.

Mayor Garner said the motion has failed. There was a—that item failed so we are going to move on. I think we know the outcome of that.

Commissioner Townsend said (inaudible 1:15:28 Cloud). **Mayor Garner** said that item failed and there are no questions in regard to that item. **Commissioner Townsend** said (inaudible). **Mayor Garner** said I'm not going to entertain anymore questions on that matter. It failed.

Commissioner Kane said we have the right to talk and intermingle what's going on. Since that motion failed, we can make another motion. Legal, am I right or wrong?

Ms. Lawson said (inaudible 1:16:00).

Commissioner Townsend said I have a question. The **Mayor Garner** said I'm not going to entertain anymore questions on this matter.

Commissioner Townsend said, Mayor, the subject, though—I'm not making a motion. I think we do have a right to ask a question about the procedure and the impact of what just happened, as a legal matter. I would ask for a ruling on that. I'm not asking about a motion. I am asking about the impact of what happened.

Mayor Garner said I think that our Finance Director gave that and the option. **Commissioner Townsend** said I'd like to hear it again. That's what I'm asking about. **Mayor Garner** said I will allow our Finance Director to repeat.

Ms. Jonscher said if we do not submit to the Clerk of our intent to exceed the revenue neutral rate, we would then, by default, be not exceeding—going with revenue neutral, so we would not exceed the revenue neutral rate if we do not submit to the Clerk that we intend to exceed the revenue neutral rate.

Commissioner Townsend asked, is there a deadline or what is the deadline by which we have to make that declaration? **Ms. Jonscher** said July 20th. **Ms. Lawson** said it also moves the other deadlines up as well for filing the budget. **Ms. Jonscher** said right. The budget would be due—if you exceed the revenue neutral rate, the budget is due October 1st. If you do not exceed the revenue neutral rate, the budget is due to the Clerk August 25th.

Commissioner Townsend said the next deadline of importance is July 20th. **Ms. Jonscher** said yes.

Mayor Garner said that motion failed and that's going to take us to our next item on the agenda.

Commissioner Townsend said I do have another question about the process. We're going to have to deal with it. We have until July 20th, from what I understand.

Mayor Garner said I believe either way, I think it was announced by the Clerk and our Budget Director, if we do not make notification, we are at revenue neutral. I think that answers that question. **Commissioner Townsend** said but we haven't. **Mayor Garner** said the item was voted on. I cast the deciding vote. It failed.

Commissioner Kane said we have the opportunity to rescind the vote and vote on something else, so we don't have to wait. We can do it July 13th instead of waiting until the 20th. I don't know how you say you can just stop this all of a sudden when we're all elected to represent the people and we want to do what's right. If we wait until the 20th—if we do it on the 13th, if we have questions, staff can get them back to us before the 20th. If we wait until the 20th, we're pushing the envelope. That's all I'm saying, Mayor.

Mayor Garner said our Administrator's assured us that we can make that window. I'm not going to entertain anymore conversation on this matter. There was a vote. It failed. As part of this agenda, we're going to stick to it, and we're going to move on to the next item. That is Item No. 1, Commissioners' Agenda, recommendations, disbursements of the 2023 Casino Grant funds.

Commissioner Markley said, Mayor, I want to rescind my former motion. Who was my second?

Mayor Garner said you're out of order. I've already moved on and I'm not recognizing that. **Commissioner Kane** asked, Legal, can that happen? **Mayor Garner** said you are out of order. I'm not recognizing. I have moved on.

Ms. Lawson said I believe the person who made the motion can rescind the motion as long as the second does as well.

Action: **Commissioner Markley rescinded her motion to approve. Commissioner McKiernan rescinded his second.**

Mayor Garner said I'm going to take a recess. I do believe that violates the rules. I'll have to get the ordinance to validate that. We're going to take a 10-minute recess. We will convene back at 8:30.

Mayor Garner said we are back. Thank you. I believe we have clarity. We had to get a little clarity. Thank you for your patience. I'll let the Chief Legal Counsel read the corresponding ordinance for clarity.

Ms. Lawson said the appropriate action would be a motion for reconsideration, and that is on the previous motion, shall be in order providing such motion to reconsider is made by a member

of the side prevailing on vote of the original motion, that would be a member that voted no, providing that any member may second a motion to reconsider shall be made during the same meeting as the original motion. That means that the person who makes this motion to reconsider would have to be a no vote, but any member present could second it. This could only be attempted once during this meeting.

Commissioner Burroughs said just for clarification, if I may. A failing side makes the motion, but I believe the motion is debatable. **Ms. Lawson** said it says motions to reconsider are not debatable. **Commissioner Burroughs** said a motion to reconsider is one, but once it's prevailed, there's point for discussion and we can go right back in for debate and discussion. Once it's been reconsidered, you can go into debate and discussion, if I remember correctly. **Ms. Lawson** said correct.

Mayor Garner said we have clarity. The motion to reconsider would be the correct motion and that would have to come from one of the commissioners that voted no, which would either be, I believe, it was Commissioner Stites or Commissioner Burroughs.

Commissioner Stites said I'm going to make a motion, but with nearly one-third of our Commission not here tonight, the reason that I wanted this to go on the 13th is so that we have a full Commission to have a discussion about a very important item, which is our budget. So, based on new information. I make a motion to reconsider.

Action: **Commissioner Stites made a motion, seconded by Commissioner Markley, to reconsider and move it to the full Commission meeting on July 13th.** Roll call was taken and there were six "Ayes," Johnson, Kane, Markley, Stites, Townsend, McKiernan; and one "No," Burroughs.

Mayor Garner said, Clerk, let the record reflect a veto on this item from the Office of the Mayor.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Markley, to override the Mayor’s veto.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

(Statement made by Commissioner Burroughs before his vote)

Commissioner Burroughs asked, how much time do I have, Mayor, to make my decision? Do you have a set timeframe? **Mayor Garner** said we don’t have all night. **Commissioner Burroughs** said I do respect the fact that we need the other commissioners here to give them an opportunity to be heard on this subject matter, although they have been heard on this subject matter.

COMMISSIONERS’ AGENDA

Item No. 1 – 212563...RECOMMENDATIONS: DISBURSEMENT OF 2023 CASINO GRANT FUNDS

Synopsis: Request approval to disburse 2023 UG/Hollywood Casino grant funds as recommended by the Mayor and Commissioners, submitted by Lisa Rangel, Professional Assistant, Commission Office.

Administrator Johnston said this is an item that comes before this Commission every year. The way I understand it, this distribution is made with the involvement of all of the Commission. There is a list of potential grantees that has been submitted by the commissioners and the Mayor.

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

Commissioner Stites said I think this year it was \$42,187. I don’t know if you added up all of the applicants that came in. There are so many of them out there in need. I wish that we each had \$420,000 to give out. It’s tough to make that, but I’m glad that I was able, in my community, to pass out those dollars to the very needy 501(c)(3)s that do very good work with this money. I looked forward to it last year, and I looked forward to it this year, and I look forward to giving it out next year. I hope it’s more money.

Roll call was taken on the motion to approve and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Mayor Garner said that concludes the regular portion of our regular meeting of the Commission. I’m going to adjourn us in that capacity. I will entertain a motion to adjourn us as the Board of Commissioners and call us back to order as the Land Bank Board of Trustees.

Action: **Commissioner Markley made a motion, seconded by Commissioner Stites, to adjourn as the full Commission and reconvene as the Land Bank Board of Trustees.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, 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 McKiernan made a motion, seconded by Commissioner Markley, to approve all as submitted.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1 – 212531...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 – 8 Homes
 - 1. Rogelio Avalos – 1 home
17 S. Cherokee St. – 139834
 - 2. RA Engineering – 1 home
1598 N. 86th St. – 934501
 - 3. James and Kelly McClellen - 1 home
1955 S. 98th St. – 939808

4. Andrea Wardell - 1 home
2926 W. 40th Ave. – 132806
5. Andrea Wardell - 1 home
4007 S. Thompson St. – 132914
6. J. Ayala Ruiz Ayala by James Michael - 1 home
1256 Argentine Blvd. – 068264
1258 Argentine Blvd. - 068263
7. Christopher L. Gray - 1 home
7651 Webster Ave. – 012413
8. Armando Mireles - 1 home
1428 N. 31st St. - 910829

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve as submitted. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

ADJOURN

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adjourn. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Mayor Garner said I’d like to wish the public a safe and happy Fourth of July coming forward in the week ahead.

MAYOR GARNER
ADJOURNED THE MEETING AT 8:48 P.M.
June 29, 2023

Brett A. Deichler, PMP|CPM
Unified Government Clerk

cg

June 29, 2023



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 6, 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

RM

Weekly Business Material for May 24, 2024 – June 6, 2024

1. REPORT:

- Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of April 2024.
- Annual Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for 2023.

Action: Received and filed.

2. CLAIM FOR DAMAGES:

- Kristi Mellon, Roeland Park, KS, alleging damage to vehicle near 18th and I-35 on 5/14/2024.
- Lara Ferguson, Kansas City, KS, alleging damage to vehicle near 38th and Wood Ave on 5/28/2024.
- Janice Sambol, The Colony, TX, alleging personal injury on 5/11/2024.
- Chad Russell, Manhattan, KS, alleging personal injury on 3/14/2024.
- Leah Williams, Kansas City, KS, alleging personal injury on 4/29/2024.
- Leah Owen, Shawnee, KS, alleging damage to vehicle near 7th St and I-35 on 3/9/2024.
- Barbara Lee, Kansas City, KS, alleging personal injury on 12/2/2022.

Action: Received and filed. Copies previously forwarded to Legal.

3. TRAVEL REQUESTS:

- Felicia Atkins, Rayshunda White, and Elizabeth Lamb, Sherriff's Department, travel to Derby, KS, August 19-August 22, 2024, to attend Women in Command conference, Employee Training & Travel.
- Joseph Hall, Public Works/Water Pollution Control, travel to Denver, CO, August 6-August 9, 2024, to attend Safety 24 Conference + Expo, Sewer System Enterprise Fund.
- Fue Xiong, Public Works/WPC, travel to Oklahoma City, OK, June 19- June 21, 2024, to attend Residuals and Biosolids Conference 2024, Employee Training & Travel.

Action: Received and filed. Copies previously forwarded to Legal.

4. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:

- 2Hot2Handle BBQ KC LLC
- A-Alpha Tree Company
- Kansas City Ultimate Security Inc
- La Patrona Con Sabor LLC
- Lakeside Speedway Inc
- Levy Kansas LLC
- Pandi Sport LLC
- Securiguards Inc & Vendtech-SGI LLC

Action: Referred to License.

5. BUSINESS BONDS:

- Electrical Bonds:
 - A.B. May Company
 - Edwards Electric Service LLC
 - Freedom Electrical Services LLC
 - GG LLC
 - Interstate Electrical Construction & Associates Inc
 - Noory Construction
 - One Time Electrical Construction LLC
 - R & S Tower Services INC
 - Teague Electric Construction
 - The Plug Electrical LLC
- Plumber's Bonds:
 - A.B. May Company
 - GG LLC
 - K Jett Services LLC
- Mechanical/HVAC Bonds:
 - A.B. May Company
 - GG LLC
 - Hulett Heating & Air Conditioning Company
- Septic Tank Installer and Cleaner Bond:
 - K Jett Services
- Sign Hanger Bonds
 - Impact Signs Awnings Wraps Inc

Action: Referred to License.

6. CONTINUATION CERTIFICATES:

- Electrical Bonds
 - Premier Electric & Lighting Design Inc
 - MDB Electric LLC
 - Midwest Electrical Service Inc
- Plumbers Bonds:
 - CMC Plumbing
 - Pro-Mechanical LLC

Action: Referred to License.

7. CANCELLATION NOTICE OF INSURANCE/BOND:

- Tree Service Bonds:
 - Luis Tree Service
- Plumbers Bonds:
 - All Around Plumbing LLC
- Contractors Bond
 - Hartford Fire Insurance Company

Action: Referred to License.

8. NOTICE OF RESCENDED BONDS:

- T.D. Electric Service LLC

Action: Referred to License.

9. SURETY RIDER:

- Alex HVAC Services LLC
- Joe's Pawn and Gun

Action: Referred to License.

10. APPLICATIONS FOR LIQ. TEMP. LICENSE:

- Zak Cummings, d/b/a Synergy Entertainment LLC, 600 N 7th St Kansas City, KS 66101
from 6/1/24 at 5:00 p.m. until 6/2/24 at 2:00 a.m.

Action: Referred to License.



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: July 18, 2024

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

RM

Weekly Business Material for July 12, 2024 – July 18, 2024

1. REPORT:

- Simmons Security DTS Board Meeting Report for the month of July 2024.
- Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of June 2024.

Action: Received and filed.

2. PUBLIC NOTICE:

- Alandon Tow Service, 6224 Kansas Ave., Kansas City, KS 66111, held a public auto auction on July 9, 2024, at Alandon Tow Service.

Action: Received and filed.

1. CLAIM FOR DAMAGES:

- Isabel Alcantara De Flores, Kansas City, KS, alleging damage to personal vehicle on 6/20/2024.
- Lizette Calderon, Kansas City, KS, alleging damage to personal vehicle on 6/6/2024.

Action: Received and filed. Copies previously forwarded to Legal.

2. SUBPOENA:

- S.L., as Natural Mother and Next Friend of J.L. vs. Joseph Joyce, Case No. 2022-CV-000116

Action: Received and filed. Copy previously forwarded to Legal.

3. SUMMONS:

- Mortgage Assets Management LLC vs. Raymond Williams and Janice Williams, et al., Case No. 2024-CV-000496.

Action: Received and filed. Copy previously forwarded to Legal.

4. TRAVEL REQUESTS:

- Rachel Brown, Christina Casper, and Sonia Lopez, Health Department, travel to Long Beach, CA, from 7/29/2024 through 8/2/2024, to attend Zero to Three Learn Conference, MIECHV (GRN 10395, SC085).
- Raymond Elmer, Eric Helm, Ryan Heim, and Brett McCoy, KCKFD, travel to Brandon, SD, from 7/14/2024 through 7/16/2024, for preconstruction of Spartan fire apparatus, cost covered by vendor.
- Jennifer Jamison, Health Department, travel to Baltimore, MD, from 11/18/2024 through 11/21/2024, to attend 2024 NWA Nutrition, Education, & Breastfeeding Conference, cost covered by WIC.
- Matt May, Emergency Management Department, travel to Topeka, KS, from 7/11/2024 through 7/12/2024, to attend L 0103 Class Planning (Basic Academy), company car.
- Mike Searcy, KCKFD, travel to Norman, OK, from 6/28/2024 through 6/30/2024, to attend Dinner on the 50: K9 Training and Fundraiser, cost covered by organization.

Action: Approved by Administrator's Office and received and filed.

5. APPLICATION FOR CMB LICENSE (OP):

- All Saints Church (Archdiocese of Kansas City), Fr. Peter Jaramillo, d/b/a All Saints Parish, 811 Vermont Ave, Kansas City, KS 66101.

Action: Referred to License.

6. APPLICATION FOR DRINK EST./PUBLIC VENUE:

- Apple Central KC LLC, Rick Rehorn, d/b/a Applebee's Neighborhood Grill & Bar #79011, 1700 Village West Pkwy, Kansas City, KS 66109.
- Apple Central KC LLC, Rick Rehorn, d/b/a Applebee's Neighborhood Grill & Bar #79033, 3404 Rainbow Blvd, Kansas City, KS 66103.
- Nestor Ornelas, Maria De Los Angeles Martinez Saucedo, d/b/a Taqueria Arandas, 7901 State Ave, Kansas City, KS 66112.
- Witch's Brew LLC, Lindsey Cash, d/b/a Sammy's Tavern, 222 N 6th St, Kansas City, KS 66101.

Action: Referred to License.

7. APPLICATION FOR CATERER/DRINK EST./HOTEL:

- The Woodyard LLC, Thomas Rehorn III, d/b/a Woodyard Bar-B-Que, 3001 Merriam Ln, Kansas City, KS 66106.

Action: Referred to License

8. APPLICATION FOR LIQ. TEMP. LICENSE:

- Synergy Entertainment LLC, Zak Cummings, BKFC Event KC, Memorial Hall, 600 N 7th St, Kansas City, KS 66101. This temporary permit is for 8/16/2024 from 12:00 p.m. to 1:00 a.m.

Action: Referred to License.

9. APPLICATION FOR PVT CLUB CLASS A:

- Kerry Madrigal, d/b/a American Legion Post 213, 1044 S 26th St, Kansas City, KS 66106.

Action: Referred to License.

10. APPLICATION FOR PVT CLUB CLASS B:

- Charles Martynowicz, d/b/a Strawberry South Club, 48 S 7th St, Kansas City, KS 66101.

Action: Referred to License.

11. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

- Sunstates Security LLC, D/B/A Sunstates Security LLC, 801 Corporate Center Dr., Ste. 300, Raleigh, NC 27607.

Action: Referred to License.



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: August 1, 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

RM

Weekly Business Material for July 26, 2024 – August 1, 2024

1. COURT CASE:

- Communication received fixing the date, time and place of trial, preliminary orders, and order directing service of notice in the matter of Clifford Briggs (2023PR-300007)

Action: Received and filed.

2. CLAIM FOR DAMAGES:

- Wesley Barbarick, Lenexa, KS, alleging damage to vehicle.
- Sarah Curry, Olathe, KS, alleging damage to vehicle on 4/12/2024.
- Edward Downes, Kansas City, KS, alleging damage to property on 7/13/2024.
- Chelsea Hastings and Natalie Rankin, Kansas City, KS, alleging damage to property on 3/13/2024.
- JG Standard, LLC and Fleet Fuels, LLC, Kansas City, KS, alleging damages that resulted from negligent errors, omissions, and breaches of contract.
- Royal Estates LLC, Kansas City, KS, alleging damage to sewer service line on 10/27/2023.
- Tracy Smith, Kansas City, KS, alleging damage to boat due to storm at Wyandotte County Lake on 5/19/2024.
- Freddy Wilson Jr, Kansas City, KS, alleging damage to property on 7/17/2023.

Action: Received and filed. Copies previously forwarded to Legal.

3. TRAVEL REQUESTS:

- Kent Anderson and Karl Oakman, KCKPD, travel to Boston, MA, from 10/19/2024 through 10/23/2024, to attend 2024 IACP Annual Conference, Employee Training & Travel.
- Bailey Joonas, KCKFD, travel to Emmitsburg, MD, from 7/14/2024 through 7/26/2024, to attend ALS Response to Hazmat Incidents, costs covered by vendor.
- Osvaldo Navarro, KCKPD, travel to New Orleans, LA, from 8/18/2024 through 8/23/2024, to attend EEOC Excel Training Conference, Employee Training & Travel.
- Raymond Nunez, KCKPD, travel to Phoenix, AZ, from 7/13/2024 through 7/18/2024, to attend NASRO 2024, Employee Training & Travel.
- Barton Richardson, KCKFD, travel to Emmitsburg, MD, from 8/3/2024 through 8/10/2024, to attend NFA Managing Effective Fire Prevention Programs, cost covered by FEMA and Employee Training & Travel.
- Danon Vaughn, KCKPD, travel to Washington D.C., from 8/11/2024 through 8/17/2024, to attend 2024 IHIA 30th Annual Training Symposium, Paid for by FBI.

Action: Approved by Administrator's Office and received and filed.

4. APPLICATION FOR CMB LICENSE (PKG)

- Super San Antonio LLC, Hector Contreras, d/b/a Super San Antonio, 800 Kansas Ave, Kansas City, KS 66105.

Action: Referred to License.

5. APPLICATION FOR PVT. CLUB CLASS B

- Dartea LLC, Darwin Saunders, d/b/a Bill's 32 West, 6500 Kaw Dr, Kansas City, KS 66111.

Action: Referred to License.



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #XI.1.		
RESOLUTION: MARSHALLTOWN COMPANY INDUSTRIAL REVENUE BONDS		
BACKGROUND		
There are two items to be addressed: 1. Setting the Public Hearing regarding the proposed issuance of bonds for August 29, 2024. 2. Adoption of a resolution of intent to issue Industrial Revenue Bonds in the amount of \$27,000,000 and approving the Performance Agreement for Marshalltown Company located at 9822 Leavenworth Road.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Resolution of Intent - Project Superior (UG), Performance Agreement - Project Superior (UG), Notice of Public Hearing - Project Superior (UG), CBA_Marshalltown_07092024-WITH_lmw, CBA_Marshalltown_07092024_without_LMW_Success, MarshalltownCompanyOverview_EDC Meeting July2024		

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

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 \$27,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING AN INDUSTRIAL FACILITY FOR THE BENEFIT OF MARSHALLTOWN COMPANY, AN IOWA CORPORATION 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, MARSHALLTOWN Company, an Iowa corporation (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 207,792 square foot industrial facility located generally at the northeast corner of 99th Street and Leavenworth 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 \$27,000,000 (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 \$27,000,000, 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 the northeast corner of 99th Street and Leavenworth 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 \$27,000,000, 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 AUGUST 29, 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 207,792, 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.

Year^(a)	Annual PILOT^(b)	Annual PILOT if L/M/WBE Failure^(b)
1	\$52,222	\$78,332
2	53,266	79,899
3	135,828	162,994
4	138,545	166,254
5	282,631	310,894
6	288,284	317,112
7	382,264	411,669
8	389,910	419,903
9	458,894	489,487
10	468,071	499,276

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 August 29, 2024

BETWEEN THE

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

AND

MARSHALLTOWN COMPANY

Prepared By:

**Gilmore & Bell, P.C.
Kansas City, Missouri**

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT, dated as of August 29, 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 **MARSHALLTOWN Company**, an Iowa corporation, 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 \$27,000,000 (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 \$27,000,000.

“Company” means MARSHALLTOWN Company, an Iowa corporation, 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 207,792 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 the northeast corner of 99th Street and Leavenworth 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 April 1, 2026. "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, 2026.

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 207,792 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. 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.

(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 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, an owner-occupied housing 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, 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:

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:

Jack Murders
2200 S. Industrial Drive
Fayetteville, Arkansas 72701
Telephone: (479) 841-1803
Email: jdm@marshalltown.com

with a copy to:

Andrew Domnick
2200 S. Industrial Drive
Fayetteville, Arkansas 72701
Telephone: (479) 332-2572
Email: andrew.dominick@marshalltown.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.

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

MARSHALLTOWN Company,
an Iowa corporation

By:_____

Name:_____

Title:_____

EXHIBIT A

APPLICATION FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS

EXHIBIT B

PROJECT SITE

All of Lots 1-B, 2-B and 3-B, together with all that part of Lots 4-B and 5-B, together with part of a 50-foot-wide Access/Utility Easement, all as established in Woodlands East Commercial Development, a subdivision in Kansas City, Wyandotte County, Kansas, together with all that part of an unplatted tract of land, all lying in the Southwest Quarter of Section 25, Township 10 South, Range 23 East, described by Michael J. Bogina, Kansas PS-1655, of Olsson, KSLS-114, on June 27, 2024, as follows:

COMMENCING at the Northwest corner of the Southwest Quarter of Section 25, Township 10 South, Range 23 East; thence South 01 degree 18 minutes 05 seconds East, on the West line of said Southwest Quarter, a distance of 642.56 feet to a point; thence North 88 degrees 41 minutes 55 seconds East, departing said West line, a distance of 40.00 feet to the Southwest corner of Lot 1, I-435 Logistics Park, First Plat, said corner also lying on the East line of 99th Street right of way, as established in Project Superbowl – Logistics Park, both subdivisions in Kansas City, Wyandotte County, Kansas, the POINT OF BEGINNING; thence South 77 degrees 17 minutes 24 seconds East, departing said East line, on the South line of said Lot 1, a distance of 2040.33 feet to the Southeast corner of said Lot 1, said corner also lying on the West line of Lot 1 of said Project Superbowl – Logistics Park; thence South 12 degrees 44 minutes 43 seconds West, on said West line, a distance of 706.89 feet to a point of curvature; thence in a Southerly direction, continuing on said West line, on a curve to the left, having a radius of 1000.00 feet, through a central angle of 1 degree 25 minutes 37 seconds, an arc distance of 24.91 feet to a point on a non-tangent line; thence North 78 degrees 40 minutes 54 seconds West, departing said West line, a distance of 153.58 feet to a point of curvature; thence in a Westerly and Southwesterly direction, on a curve to the left, having a radius of 250.00 feet, through a central angle of 59 degrees 57 minutes 56 seconds, an arc distance of 261.65 feet to a point on a non-tangent line; thence North 48 degrees 38 minutes 50 seconds West a distance of 185.06 feet to a point; thence North 77 degrees 17 minutes 18 seconds West a distance of 1317.05 feet to a point on said East line of said 99th Street right of way; thence North 01 degree 18 minutes 05 seconds West, on said East line, a distance of 800.69 feet to the POINT OF BEGINNING, containing 1,509,600 Square Feet or 34.6556 Acres, more or less.

[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	207,792
--------------------------------	---------

Year^(a)	Annual PILOT^(b)	Annual PILOT if L/M/WBE Failure^(b)
1	\$52,222	\$78,332
2	53,266	79,899
3	135,828	162,994
4	138,545	166,254
5	282,631	310,894
6	288,284	317,112
7	382,264	411,669
8	389,910	419,903
9	458,894	489,487
10	468,071	499,276

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 MARSHALLTOWN Company, an Iowa corporation (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 207,792 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 August 29, 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: _____

MARSHALLTOWN COMPANY,
an Iowa corporation

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT 1
Legal Description – Link

All of Lots 1-B, 2-B and 3-B, together with all that part of Lots 4-B and 5-B, together with part of a 50-foot-wide Access/Utility Easement, all as established in Woodlands East Commercial Development, a subdivision in Kansas City, Wyandotte County, Kansas, together with all that part of an unplatted tract of land, all lying in the Southwest Quarter of Section 25, Township 10 South, Range 23 East, described by Michael J. Bogina, Kansas PS-1655, of Olsson, KSLS-114, on June 27, 2024, as follows:

COMMENCING at the Northwest corner of the Southwest Quarter of Section 25, Township 10 South, Range 23 East; thence South 01 degree 18 minutes 05 seconds East, on the West line of said Southwest Quarter, a distance of 642.56 feet to a point; thence North 88 degrees 41 minutes 55 seconds East, departing said West line, a distance of 40.00 feet to the Southwest corner of Lot 1, I-435 Logistics Park, First Plat, said corner also lying on the East line of 99th Street right of way, as established in Project Superbowl – Logistics Park, both subdivisions in Kansas City, Wyandotte County, Kansas, the POINT OF BEGINNING; thence South 77 degrees 17 minutes 24 seconds East, departing said East line, on the South line of said Lot 1, a distance of 2040.33 feet to the Southeast corner of said Lot 1, said corner also lying on the West line of Lot 1 of said Project Superbowl – Logistics Park; thence South 12 degrees 44 minutes 43 seconds West, on said West line, a distance of 706.89 feet to a point of curvature; thence in a Southerly direction, continuing on said West line, on a curve to the left, having a radius of 1000.00 feet, through a central angle of 1 degree 25 minutes 37 seconds, an arc distance of 24.91 feet to a point on a non-tangent line; thence North 78 degrees 40 minutes 54 seconds West, departing said West line, a distance of 153.58 feet to a point of curvature; thence in a Westerly and Southwesterly direction, on a curve to the left, having a radius of 250.00 feet, through a central angle of 59 degrees 57 minutes 56 seconds, an arc distance of 261.65 feet to a point on a non-tangent line; thence North 48 degrees 38 minutes 50 seconds West a distance of 185.06 feet to a point; thence North 77 degrees 17 minutes 18 seconds West a distance of 1317.05 feet to a point on said East line of said 99th Street right of way; thence North 01 degree 18 minutes 05 seconds West, on said East line, a distance of 800.69 feet to the POINT OF BEGINNING, containing 1,509,600 Square Feet or 34.6556 Acres, more or less.

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EXHIBIT 2
Construction Utilization Plan

EXHIBIT E

(Published in *The Wyandotte Echo* on August 1, 2024)

**NOTICE OF PUBLIC HEARING ON ISSUANCE
OF INDUSTRIAL REVENUE BONDS**

Public notice is hereby given that the Commission of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) will conduct a public hearing on **Thursday, August 29, 2024**, at 7:00 p.m., or as soon thereafter as may be heard, regarding the proposed issuance by the Unified Government of its industrial revenue bonds in a principal amount not to exceed \$27,000,000 (the “Bonds”) and in regard to an exemption from ad valorem taxation for property constructed or purchased with the proceeds of the Bonds.

The public hearing will be held at City Hall, 701 N 7th Street, Kansas City, Kansas, 66101. Additional public hearing access information is available at www.wycokck.org/Departments/Clerks-Office/Engage-in-Public-Commission-Meeting or by contacting the Clerk’s office via phone at (913) 573-5206 or via email at ugclerkrequest@wycokck.org. Public comment may also be submitted in advance of the public hearing by email to ugclerkrequest@wycokck.org, fax to (913) 573-5299, or mail to Unified Government Clerk’s Office, 701 N. 7th Street, Suite 323, Kansas City, Kansas 66101.

The Bonds are proposed to be issued under authority of K.S.A. 12-1740 *et seq.*, as amended, to provide funds for acquiring, purchasing, constructing, installing and equipping an approximately 207,792 square foot industrial facility located generally at 9822 Leavenworth Road in the City of Kansas City, Kansas (the “Project”). The Unified Government intends to base lease the facility and further intends to lease the facility to MARSHALLTOWN Company, an Iowa corporation, or its successors and assigns (the “Company”).

The Company has requested a 10-year property tax abatement subject to certain payments in lieu of tax for the property constructed or purchased with the proceeds of the Bonds.

A copy of this Notice, together with a copy of the resolution of intent of the Unified Government to be considered for adoption, indicating the intent of the governing body of the Unified Government to issue the Bonds and a report analyzing the costs and benefits of such property tax exemption, are on file in the office of the Unified Government Clerk and available for public inspection during normal business hours.

All persons having an interest in this matter will be given an opportunity to be heard at the time and place above specified.

Dated: August 1, 2024.

Monica L. Sparks
Interim Unified Government Clerk
701 North 7th Street, Suite 323
Kansas City, Kansas 66101
(913) 573-8039

**A Tax Abatement Cost-Benefit Analysis of
Marshalltown Co.
(With LMW)
for the Unified Government of Kansas City/Wyandotte County**

Completed by
Municipal Consulting, LLC
7/9/2024

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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	3.48	25%
Wyandotte County	2.75	17%
Piper-Kansas City USD 203	3.98	30%
KC Community College	2.59	16%
WY Co Library	2.73	12%
State of Kansas	3.62	26%

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. A PILOT payment is included in this analysis. The average projected salary of the new employees is about equal to the county average and we use an appropriate adjustment in average retail spending in our 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:	Marshalltown Co.			(With LMW)
DATE:			07/09/24	
GOVERNMENTAL ENTITIES INVOLVED:				
CITY:			City of Kansas City	
COUNTY:			Wyandotte County	
SCHOOL DISTRICT:			Piper-Kansas City USD 203	
SPECIAL TAXING DISTRICT #1	KC Community College			
SPECIAL TAXING DISTRICT #2	WY Co Library			
STATE:			State of Kansas	
INFLATION RATE:	2.00%			
DISCOUNT RATE	7.50%			

This project involves the purchase of about 36.5 acres at 9822 Leavenworth Road and the construction of a 200,000 square foot office, warehousing and distribution facility that will initially employ 40 new employees and eventually employ about 100 workers with average salaries about equal to the county average. The developer is requesting a property tax abatement that varies from 90% in Years 1 and 2 down to 25% in Years 9 and 10. A PILOT is also required.

Marshalltown Co.

(With LMW)

Community Data Inputs:

	City of Kansas City	Wyandotte County	Piper-Kansas City USD 203	KC Community College	WY Co Library	WY Co Library	State
Mill Levy	38.459533	37.313168	66.270000	26.364746	5.443634	0.000	1.500
Sales Tax	1.625%	1.000%	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
Enterprise Rev/HsHld	\$285.15	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
Other Revenues/Res.	\$33.07	\$53.23	n/a	\$71.29	\$0.00	\$0.00	\$2,462.21
Marg. Cost/Res./Student	\$107.64	\$40.70	\$1,568.29	\$84.24	\$0.00	\$0.00	\$942.66
Other Revenues/Worker	\$30.81	\$49.59	n/a	\$66.42	\$0.00	\$0.00	\$2,086.08
Marginal Cost/New Worker	\$100.28	\$37.92	n/a	\$78.48	\$0.00	\$0.00	\$798.66
State Funding/Pupil	n/a	n/a	\$8,959.70	n/a	n/a	n/a	\$10,800
Federal Funding/Pupil	n/a	n/a	\$6,723.93	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:	175.351081			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

(With LMW)

Assumed Inflation Rate

COST-BENEFIT ANALYSIS PROJECT SUMMARY

PROJECT NAME: Marshalltown Co. (With LMW)						Ratio of		
DATE: 7/9/2024						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	\$3,349,154	\$963,547	\$2,385,607	\$1,441,741	\$730,738	1.97	3.48	25%
Wyandotte County	\$2,354,074	\$857,526	\$1,496,548	\$874,415	\$643,064	1.36	2.75	17%
Piper-Kansas City USD 203	\$5,718,141	\$1,436,327	\$4,281,814	\$2,726,170	\$899,783	3.03	3.98	30%
KC Community College	\$1,351,348	\$522,406	\$828,942	\$502,456	\$357,968	1.40	2.59	16%
WY Co Library	\$272,197	\$99,803	\$172,394	\$104,540	\$73,911	1.41	2.73	12%
State of Kansas	\$3,314,106	\$914,387	\$2,399,719	\$1,276,193	\$907,252	1.41	3.62	26%

SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Marshalltown Co. (With LMW)

DATE: 7/9/2024

City of Kansas City

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:

3.48

Ratio of Present Value of Total Benefits to Present Value of Total Costs:

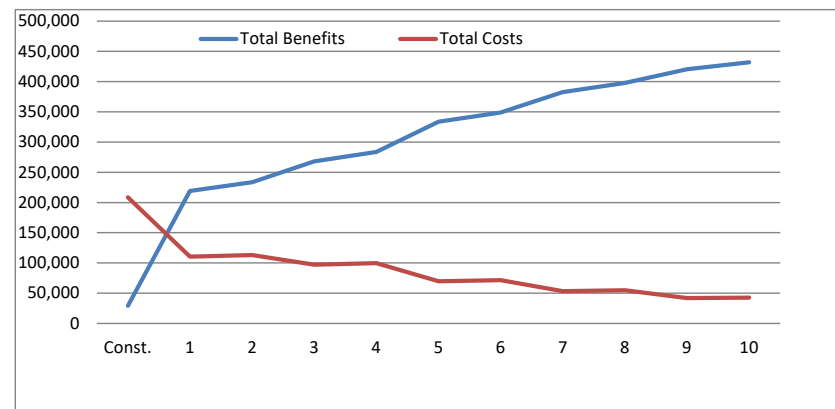
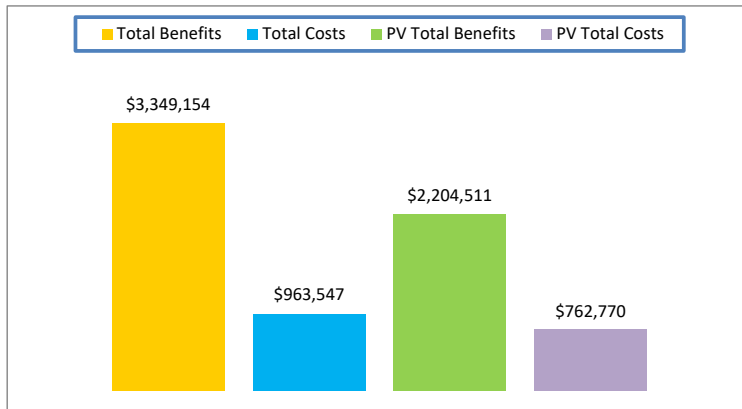
2.89

(Typical desired ratio would be 1.3 to 1)

Average ROI

24.76%

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.	29,242	0	0	0	0	29,242	29,242	0	208,553	0	208,553	208,553	-179,311	-179,311	-179,311	208,553
1	27,926	120,012	58,593	12,001	713	219,246	203,949	2,320		108,011	110,331	102,634	108,914	-70,396	101,316	100,475
2	36,983	122,412	60,938	12,241	909	233,484	202,041	2,958		110,171	113,129	97,895	120,354	49,958	104,147	95,335
3	47,374	124,861	63,371	31,215	1,113	267,934	215,676	3,621		93,645	97,266	78,296	170,668	220,626	137,381	75,381
4	57,390	127,358	65,896	31,839	1,324	283,808	212,515	4,309		95,518	99,827	74,751	183,980	404,606	137,764	71,524
5	68,928	129,905	68,386	64,952	1,505	333,677	232,425	4,897		64,952	69,850	48,655	263,827	668,433	183,771	45,243
6	77,445	132,503	70,967	66,252	1,692	348,858	226,047	5,508		66,252	71,759	46,497	277,099	945,532	179,550	42,928
7	84,454	135,153	73,504	87,849	1,847	382,807	230,739	6,010		47,304	53,313	32,135	329,494	1,275,026	198,604	28,512
8	92,250	137,856	76,130	89,606	2,006	397,849	223,075	6,530		48,250	54,779	30,715	343,069	1,618,095	192,360	27,054
9	95,999	140,613	76,130	105,460	2,088	420,291	219,217	6,796		35,153	41,950	21,880	378,341	1,996,436	197,337	18,335
10	97,919	143,426	80,915	107,569	2,130	431,959	209,584	6,932		35,856	42,789	20,761	389,171	2,385,607	188,823	17,397
Total	\$715,911	\$1,314,098	\$694,831	\$608,986	\$15,328	\$3,349,154	\$2,204,511	\$49,882	\$208,553	\$705,112	\$963,547	\$762,770	\$2,385,607	\$2,385,607	\$1,441,741	\$730,738



* 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: Marshalltown Co. (With LMW)

Wyandotte County

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.75

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.31

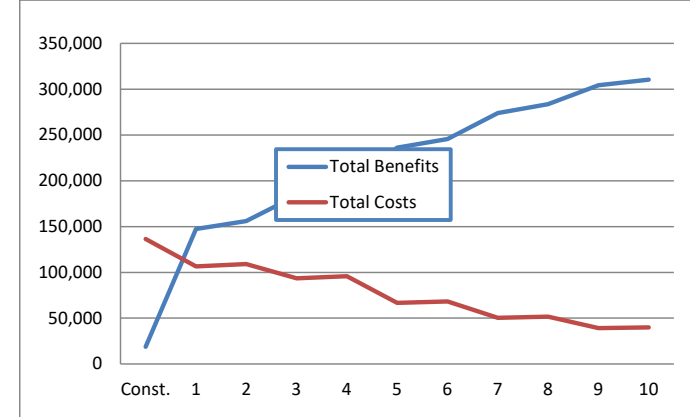
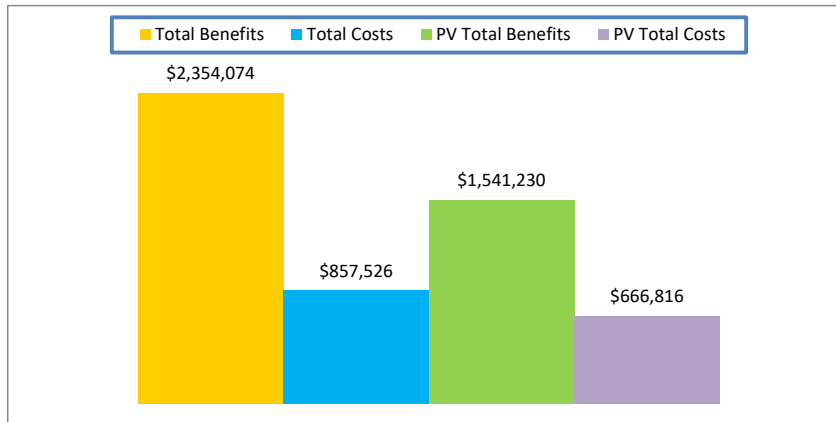
DATE: 7/9/2024

DISCOUNT RATE: 7.50%

(Typical desired ratio would be 1.3 to 1)

Average ROI 17.45%

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.	18,753	0	0	0	18,753	18,753	0	136,444	0	136,444	136,444	-117,691	-117,691	-117,691	136,444
1	16,987	116,435	11,643	2,250	147,315	137,037	1,720	0	104,791	106,512	99,081	40,803	-76,888	37,956	97,480
2	22,574	118,764	11,876	2,869	156,082	135,063	2,194	0	106,887	109,081	94,391	47,002	-29,886	40,672	92,493
3	28,985	121,139	30,285	3,511	183,920	148,048	2,685	0	90,854	93,539	75,295	90,381	60,494	72,753	73,134
4	35,165	123,562	30,890	4,178	193,795	145,114	3,195	0	92,671	95,866	71,785	97,929	158,423	73,329	69,392
5	42,284	126,033	63,016	4,749	236,082	164,445	3,631	0	63,016	66,648	46,424	169,434	327,857	118,021	43,895
6	47,537	128,553	64,277	5,341	245,708	159,209	4,084	0	64,277	68,361	44,295	177,347	505,204	114,914	41,649
7	51,859	131,125	85,231	5,827	274,042	165,180	4,456	0	45,894	50,350	30,349	223,692	728,896	134,832	27,663
8	56,667	133,747	86,936	6,332	283,681	159,061	4,842	0	46,811	51,653	28,962	232,028	960,924	130,099	26,247
9	58,977	136,422	102,316	6,590	304,305	158,721	5,039	0	34,105	39,145	20,417	265,160	1,226,084	138,303	17,789
10	60,156	139,150	104,363	6,722	310,391	150,600	5,140	0	34,788	39,928	19,373	270,463	1,496,548	131,227	16,879
Total	\$439,943	\$1,274,929	\$590,834	\$48,368	\$2,354,074	\$1,541,230	\$36,987	\$136,444	\$684,095	\$857,526	\$666,816	\$1,496,548	\$1,496,548	\$874,415	\$643,064



* 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:

Piper-Kansas City USD 203

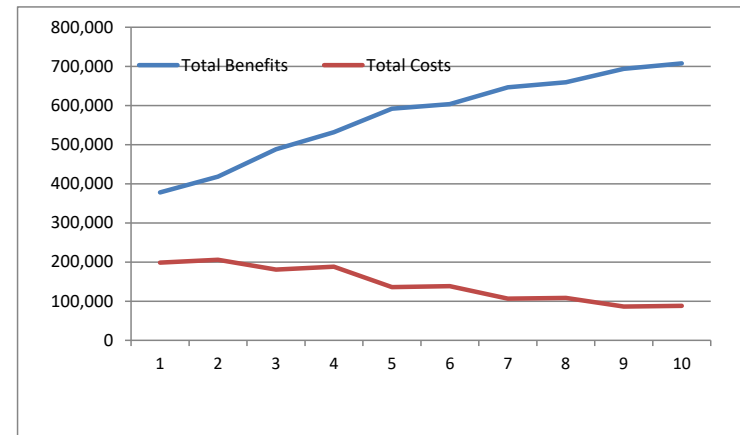
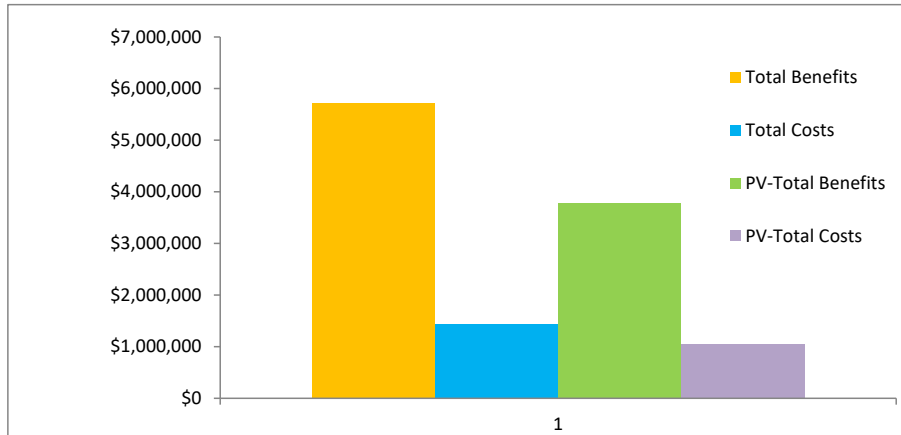
PROJECT: Marshalltown Co. (With LMW)

DATE: 7/9/2024

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 3.98
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 3.61
 (Typical desired ratio would be 1.3 to 1) **Average ROI** 29.81%

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	206,794	18,183	24,964	127,978	377,919	351,553	12,546	186,115	198,661	184,801	179,258	179,258	166,752	173,130
2	210,930	18,547	25,463	163,173	418,112	361,806	15,997	189,837	205,833	178,114	212,279	391,537	183,692	164,272
3	215,148	47,294	25,972	199,723	488,138	392,932	19,580	161,361	180,941	145,650	307,197	698,734	247,281	129,889
4	219,451	48,240	26,492	237,671	531,854	398,252	23,300	164,589	187,888	140,691	343,965	1,042,699	257,561	123,244
5	223,840	98,409	27,022	242,424	591,695	412,151	23,766	111,920	135,686	94,513	456,009	1,498,708	317,637	77,959
6	228,317	100,378	27,562	247,272	603,529	391,064	24,241	114,159	138,400	89,678	465,129	1,963,838	301,386	73,970
7	232,884	133,101	28,113	252,218	646,315	389,570	24,726	81,509	106,235	64,034	540,080	2,503,918	325,536	49,130
8	237,541	135,763	28,676	257,262	659,242	369,638	25,221	83,139	108,360	60,758	550,882	3,054,800	308,881	46,616
9	242,292	159,782	29,249	262,408	693,731	361,839	25,725	60,573	86,298	45,012	607,433	3,662,233	316,827	31,594
10	247,138	162,978	29,834	267,656	707,606	343,326	26,239	61,784	88,024	42,709	619,582	4,281,814	300,617	29,977
Total	\$2,264,336	\$922,674	\$273,347	\$2,257,785	\$5,718,141	\$3,772,130	\$221,341	\$1,214,986	\$1,436,327	\$1,045,960	\$4,281,814	\$4,281,814	\$2,726,170	\$899,783



SUMMARY OF COSTS AND BENEFITS FOR:

KC Community College

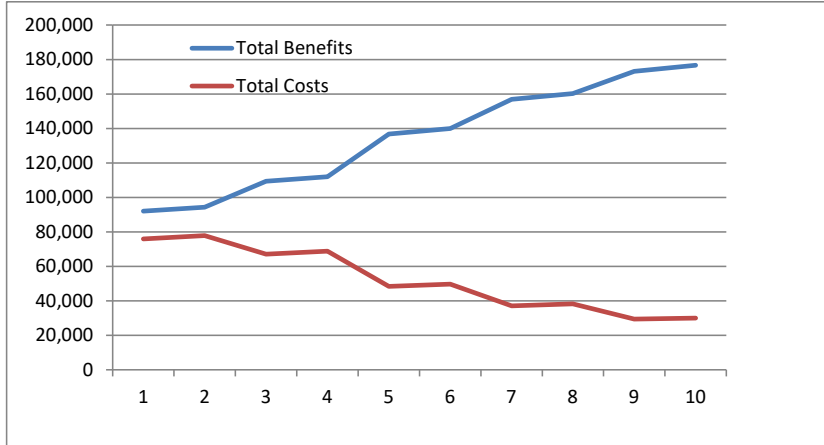
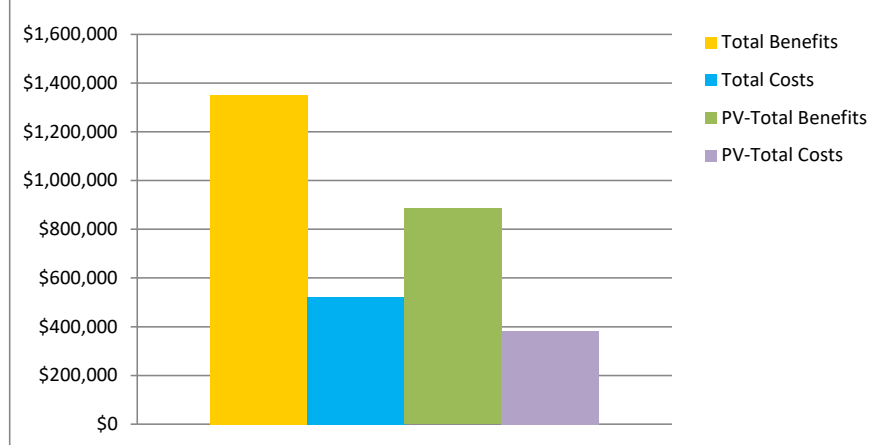
PROJECT: Marshalltown Co. (With LMW)

DATE: 7/9/2024

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:	2.59
Ratio of Present Value of Total Benefits to Present Value of Total Costs:	2.31
(Typical desired ratio would be 1.3 to 1)	Average ROI 15.87%

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	82,271	8,227	1,537	92,034	85,613	1,816	74,044	75,859	70,567	16,175	16,175	15,046	68,878
2	83,916	8,392	1,959	94,267	81,572	2,315	75,524	77,840	67,357	16,427	32,602	14,215	65,354
3	85,594	21,399	2,398	109,391	88,055	2,834	64,196	67,030	53,956	42,362	74,964	34,099	51,675
4	87,306	21,827	2,854	111,987	83,856	3,372	65,480	68,852	51,556	43,135	118,099	32,299	49,031
5	89,052	44,526	3,244	136,822	95,305	3,833	44,526	48,359	33,685	88,463	206,562	61,620	31,015
6	90,833	45,417	3,648	139,898	90,648	4,310	45,417	49,727	32,221	90,171	296,732	58,427	29,428
7	92,650	60,223	3,980	156,853	94,544	4,703	32,428	37,131	22,381	119,722	416,454	72,163	19,546
8	94,503	61,427	4,325	160,255	89,855	5,110	33,076	38,186	21,411	122,068	538,523	68,444	18,546
9	96,393	72,295	4,501	173,189	90,333	5,319	24,098	29,417	15,343	143,772	682,295	74,989	12,569
10	98,321	73,741	4,591	176,653	85,711	5,425	24,580	30,005	14,558	146,647	828,942	71,152	11,926
Total	\$900,840	\$417,472	\$33,037	\$1,351,348	\$885,492	\$39,038	\$483,368	\$522,406	\$383,036	\$828,942	\$828,942	\$502,456	\$357,968



SUMMARY OF COSTS AND BENEFITS FOR:

WY Co Library

PROJECT: Marshalltown Co. (With LMW)

DATE: 7/9/2024

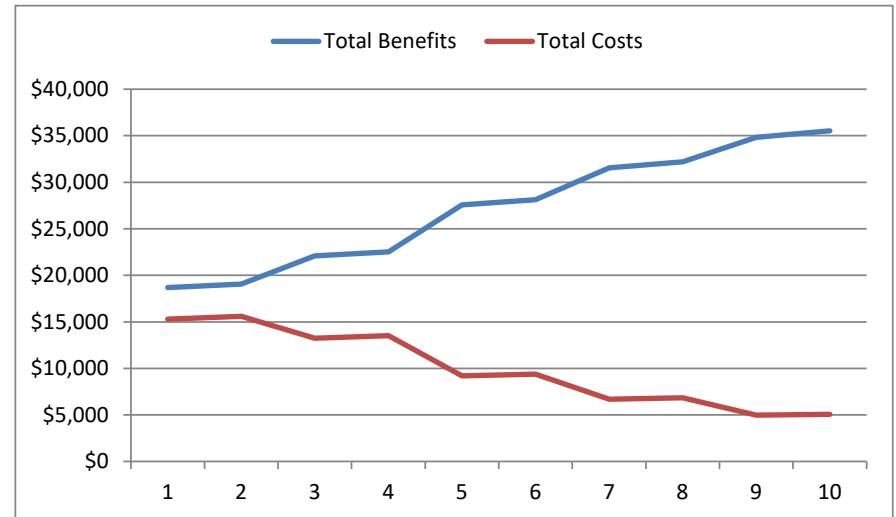
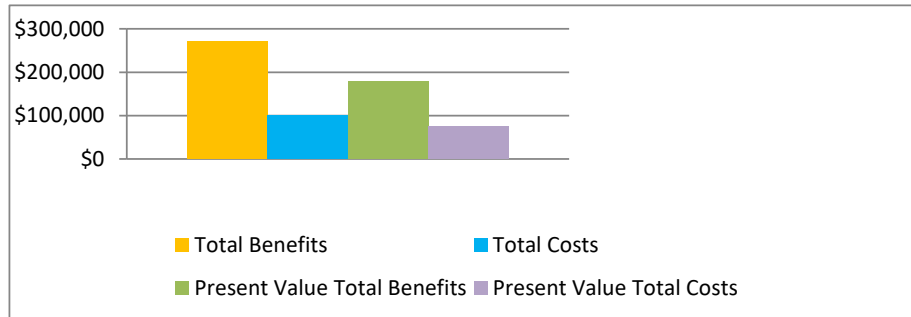
DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.73

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.41

(Typical desired ratio would be 1.3 to 1) Average ROI 11.52%

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	\$16,987	\$1,699	\$0	\$18,685	\$17,382	\$0	\$15,288	\$15,288	\$14,221	\$3,397	\$3,397	\$3,160	\$14,221
2	\$17,326	\$1,733	\$0	\$19,059	\$16,492	\$0	\$15,594	\$15,594	\$13,494	\$3,465	\$6,863	\$2,999	\$13,494
3	\$17,673	\$4,418	\$0	\$22,091	\$17,783	\$0	\$13,255	\$13,255	\$10,670	\$8,836	\$15,699	\$7,113	\$10,670
4	\$18,026	\$4,507	\$0	\$22,533	\$16,873	\$0	\$13,520	\$13,520	\$10,124	\$9,013	\$24,712	\$6,749	\$10,124
5	\$18,387	\$9,193	\$0	\$27,580	\$19,211	\$0	\$9,193	\$9,193	\$6,404	\$18,387	\$43,099	\$12,808	\$6,404
6	\$18,755	\$9,377	\$0	\$28,132	\$18,229	\$0	\$9,377	\$9,377	\$6,076	\$18,755	\$61,854	\$12,152	\$6,076
7	\$19,130	\$12,434	\$0	\$31,564	\$19,025	\$0	\$6,695	\$6,695	\$4,036	\$24,869	\$86,723	\$14,990	\$4,036
8	\$19,512	\$12,683	\$0	\$32,195	\$18,052	\$0	\$6,829	\$6,829	\$3,829	\$25,366	\$112,089	\$14,223	\$3,829
9	\$19,903	\$14,927	\$0	\$34,830	\$18,167	\$0	\$4,976	\$4,976	\$2,595	\$29,854	\$141,943	\$15,571	\$2,595
10	\$20,301	\$15,226	\$0	\$35,526	\$17,237	\$0	\$5,075	\$5,075	\$2,462	\$30,451	\$172,394	\$14,775	\$2,462
Total	\$186,000	\$86,197	\$0	\$272,197	\$178,451	\$0	\$99,803	\$99,803	\$73,911	\$172,394	\$172,394	\$104,540	\$73,911



SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Marshalltown Co.

(With LMW)

State of Kansas

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:

3.62

Ratio of Present Value of Total Benefits to Present Value of Total Costs:

2.41

DATE: 7/9/2024

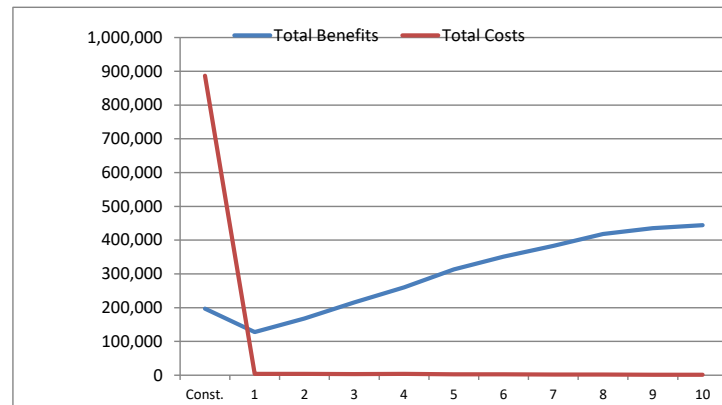
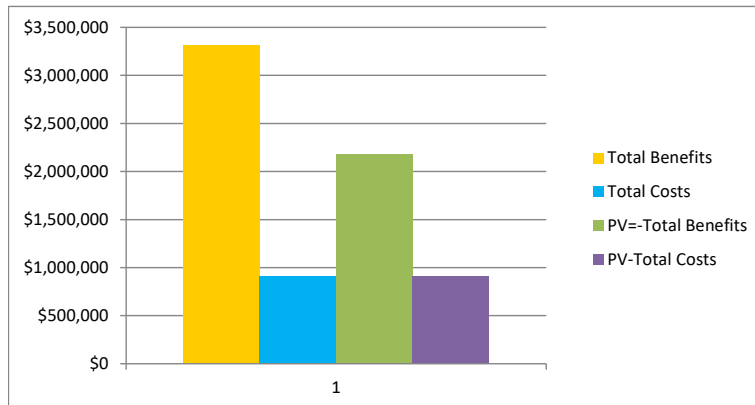
DISCOUNT RATE: 7.50%

(Typical desired ratio would be 1.3 to 1)

Average ROI

26.24%

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.	121,895	\$0	75,000	0	0	196,895	196,895	0	\$0	\$0	\$886,886	886,886	886,886	-689,992	-689,992	-689,992	886,886
1	82,450	\$4,681	40,186	468	0	127,784	118,869	0	0	\$4,213	0	4,213	3,919	123,571	-566,420	114,950	3,919
2	109,496	\$4,774	53,508	477	0	168,256	145,597	0	0	\$4,297	0	4,297	3,718	163,959	-402,461	141,879	3,718
3	140,530	\$4,870	68,796	1,217	0	215,414	173,400	0	0	\$3,652	0	3,652	2,940	211,761	-190,700	170,460	2,940
4	170,444	\$4,967	83,531	1,242	0	260,184	194,826	0	0	\$3,725	0	3,725	2,790	256,459	65,759	192,037	2,790
5	204,904	\$5,067	100,508	2,533	0	313,012	218,031	0	0	\$2,533	0	2,533	1,765	310,479	376,238	216,267	1,765
6	230,334	\$5,168	113,032	2,584	0	351,119	227,511	0	0	\$2,584	0	2,584	1,674	348,535	724,772	225,837	1,674
7	251,260	\$5,271	123,337	3,426	0	383,294	231,032	0	0	\$1,845	0	1,845	1,112	381,449	1,106,221	229,920	1,112
8	274,534	\$5,377	134,799	3,495	0	418,205	234,488	0	0	\$1,882	0	1,882	1,055	416,323	1,522,544	233,433	1,055
9	285,718	\$5,484	140,301	4,113	0	435,616	227,210	0	0	\$1,371	0	1,371	715	434,245	1,956,789	226,495	715
10	291,432	\$5,594	143,107	4,195	0	444,328	215,585	0	0	\$1,398	0	1,398	679	442,930	2,399,719	214,907	679
Total	\$2,162,997	\$51,253	\$1,076,105	\$23,752	\$0	\$3,314,106	\$2,183,445	\$0	\$0	\$27,501	\$886,886	\$914,387	\$907,252	\$2,399,719	\$2,399,719	\$1,276,193	\$907,252



* 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.

Marshalltown Co. (With LMW)**Other Economic Impacts of the Project**

	In the First Year	Over 10 Years
Permanent jobs created	40	100
Construction jobs created	86	0
Number of New Residents in the Community	22	54
Number of Additional Students in the Local School District	8	14
Increase in Local Personal Incomes	\$1,913,600	\$47,671,662
Increase in Local Retail Sales	\$15,896,747	\$46,035,067
Increase in the Community's Property Tax Base	\$12,481,904	\$14,917,031
Estimated Property Tax Revenue after the abatement period ends:		
	City	\$146,294
	County	\$141,933
	School	\$282,511
	Comm. Coll.	\$100,287
	Co. Library	\$20,707
	State	\$5,706
	Total	\$697,438

Marshalltown Co. (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	Incentives	ALL INDIRECT COSTS		
City of Kansas City	715,911	608,986	1,314,098			694,831	3,333,827	15,328	3,349,154	705,112	208,553	49,882	963,547	2,385,607
Wyandotte County	439,943	590,834	1,274,929				2,305,706	48,368	2,354,074	684,095	136,444	36,987	857,526	1,496,548
Piper-Kansas City USD 203		922,674	2,537,683	2,257,785			5,718,141		5,718,141	1,214,986	221,341	0	1,436,327	4,281,814
KC Community College		417,472	900,840				1,318,311	33,037	1,351,348	483,368	0	39,038	522,406	828,942
WY Co Library		86,197	186,000				272,197	0	272,197	99,803	0	0	99,803	172,394
State of Kansas	2,162,997	23,752	51,253	0	1,076,105		3,314,106	0	3,314,106	27,501	886,886	0	914,387	2,399,719
TOTALS	\$3,318,850	\$2,649,914	\$6,264,802	\$2,257,785	\$1,076,105	\$694,831	\$16,262,288	\$96,733	\$16,359,021	\$3,214,866	\$1,453,223	\$125,907	\$4,793,996	\$11,565,025

**A Tax Abatement Cost-Benefit Analysis of
Marshalltown Co.
(W/O LMW)
for the Unified Government of Kansas City/Wyandotte County**

Completed by
Municipal Consulting, LLC
7/9/2024

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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	3.54	25%
Wyandotte County	2.82	18%
Piper-Kansas City USD 203	4.05	31%
KC Community College	2.67	17%
WY Co Library	2.82	12%
State of Kansas	3.63	26%

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. A PILOT payment is included in this analysis. The average projected salary of the new employees is about equal to the county average and we use an appropriate adjustment in average retail spending in our 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
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2207 N. Free King Hwy, Pittsburg, KS 66762-8418

COST-BENEFIT ANALYSIS PROJECT SUMMARY		
PROJECT NAME:	Marshalltown Co.	(W/O LMW)
DATE:	07/09/24	
GOVERNMENTAL ENTITIES INVOLVED:		
CITY:	City of Kansas City	
COUNTY:	Wyandotte County	
SCHOOL DISTRICT:	Piper-Kansas City USD 203	
SPECIAL TAXING DISTRICT #1	KC Community College	
SPECIAL TAXING DISTRICT #2	WY Co Library	
STATE:	State of Kansas	
INFLATION RATE:	2.00%	
DISCOUNT RATE	7.50%	

This project involves the purchase of about 36.5 acres at 9822 Leavenworth Road and the construction of a 200,000 square foot office, warehousing and distribution facility that will initially employ 40 new employees and eventually employ about 100 workers with average salaries about equal to the county average. The developer is requesting a property tax abatement that varies from 90% in Years 1 and 2 down to 25% in Years 9 and 10. A PILOT is also required.

Marshalltown Co.

(W/O LMW)

Community Data Inputs:

	City of Kansas City	Wyandotte County	Piper-Kansas City USD 203	KC Community College	WY Co Library	WY Co Library	State
Mill Levy	38.459533	37.313168	66.270000	26.364746	5.443634	0.000	1.500
Sales Tax	1.625%	1.000%	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
Enterprise Rev/HsHld	\$285.15	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
Other Revenues/Res.	\$33.07	\$53.23	n/a	\$71.29	\$0.00	\$0.00	\$2,462.21
Marg. Cost/Res./Student	\$107.64	\$40.70	\$1,568.29	\$84.24	\$0.00	\$0.00	\$942.66
Other Revenues/Worker	\$30.81	\$49.59	n/a	\$66.42	\$0.00	\$0.00	\$2,086.08
Marginal Cost/New Worker	\$100.28	\$37.92	n/a	\$78.48	\$0.00	\$0.00	\$798.66
State Funding/Pupil	n/a	n/a	\$8,959.70	n/a	n/a	n/a	\$10,800
Federal Funding/Pupil	n/a	n/a	\$6,723.93	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:	175.351081			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

(W/O LMW)

Assumed Inflation Rate

COST-BENEFIT ANALYSIS PROJECT SUMMARY

PROJECT NAME:		Marshalltown Co. (W/O LMW)				Ratio of		
DATE:		7/9/2024				NPV of Net		
				Net Present Value of Net Benefits	NPV of Incentives & Taxes Abated	Benefits to NPV of Incentives and Taxes Abated	Actual Benefit to Actual Cost Ratio	Avg. Annual Rate of Return
Entity	Total Benefits	Total Costs & Incentives	Net Benefits					
City of Kansas City	\$3,414,859	\$963,547	\$2,451,312	\$1,486,315	\$730,738	2.03	3.54	25%
Wyandotte County	\$2,417,820	\$857,526	\$1,560,294	\$917,660	\$643,064	1.43	2.82	18%
Piper-Kansas City USD 203	\$5,817,691	\$1,436,327	\$4,381,364	\$2,793,704	\$899,783	3.10	4.05	31%
KC Community College	\$1,396,390	\$522,406	\$873,984	\$533,012	\$357,968	1.49	2.67	17%
WY Co Library	\$281,497	\$99,803	\$181,694	\$110,849	\$73,911	1.50	2.82	12%
State of Kansas	\$3,316,669	\$914,387	\$2,402,282	\$1,277,931	\$907,252	1.41	3.63	26%

SUMMARY OF COSTS AND BENEFITS FOR:

City of Kansas City

PROJECT: Marshalltown Co. (W/O LMW)

DATE: 7/9/2024

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:

3.54

Ratio of Present Value of Total Benefits to Present Value of Total Costs:

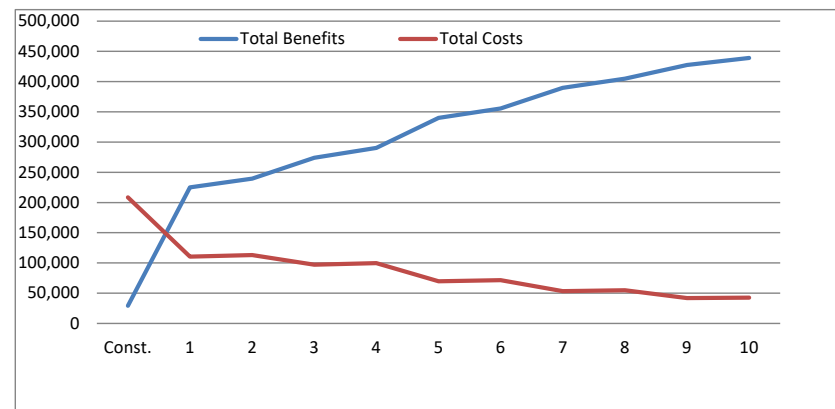
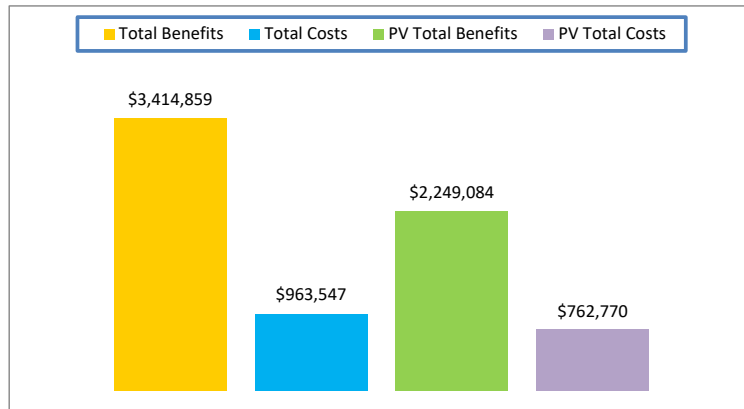
2.95

(Typical desired ratio would be 1.3 to 1)

Average ROI

25.44%

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.	29,242	0	0	0	0	29,242	29,242	0	208,553	0	208,553	208,553	-179,311	-179,311	-179,311	208,553
1	27,926	120,012	58,593	18,002	713	225,246	209,531	2,320		108,011	110,331	102,634	114,915	-64,396	106,898	100,475
2	36,983	122,412	60,938	18,362	909	239,604	207,337	2,958		110,171	113,129	97,895	126,475	62,079	109,443	95,335
3	47,374	124,861	63,371	37,458	1,113	274,177	220,702	3,621		93,645	97,266	78,296	176,911	238,990	142,406	75,381
4	57,390	127,358	65,896	38,207	1,324	290,175	217,284	4,309		95,518	99,827	74,751	190,348	429,338	142,533	71,524
5	68,928	129,905	68,386	71,448	1,505	340,172	236,950	4,897		64,952	69,850	48,655	270,322	699,660	188,295	45,243
6	77,445	132,503	70,967	72,877	1,692	355,483	230,340	5,508		66,252	71,759	46,497	283,724	983,384	183,842	42,928
7	84,454	135,153	73,504	94,607	1,847	389,565	234,812	6,010		47,304	53,313	32,135	336,252	1,319,636	202,677	28,512
8	92,250	137,856	76,130	96,499	2,006	404,742	226,940	6,530		48,250	54,779	30,715	349,962	1,669,598	196,225	27,054
9	95,999	140,613	76,130	112,491	2,088	427,322	222,884	6,796		35,153	41,950	21,880	385,372	2,054,970	201,004	18,335
10	97,919	143,426	80,915	114,740	2,130	439,131	213,064	6,932		35,856	42,789	20,761	396,342	2,451,312	192,303	17,397
Total	\$715,911	\$1,314,098	\$694,831	\$674,691	\$15,328	\$3,414,859	\$2,249,084	\$49,882	\$208,553	\$705,112	\$963,547	\$762,770	\$2,451,312	\$2,451,312	\$1,486,315	\$730,738



* 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: Marshalltown Co. (W/O LMW)

Wyandotte County

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.82

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.38

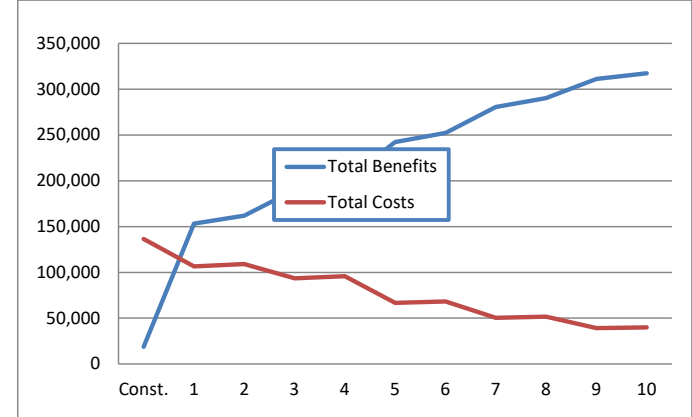
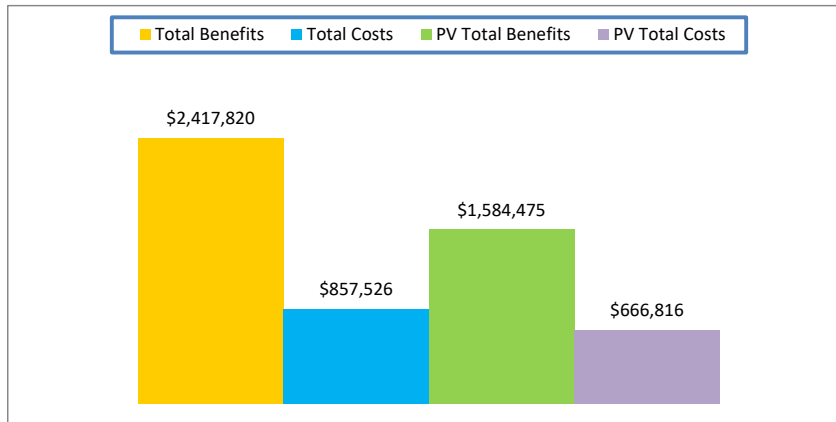
DATE: 7/9/2024

DISCOUNT RATE: 7.50%

(Typical desired ratio would be 1.3 to 1)

Average ROI 18.20%

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.	18,753	0	0	0	18,753	18,753	0	136,444	0	136,444	136,444	-117,691	-117,691	-117,691	136,444
1	16,987	116,435	17,465	2,250	153,137	142,453	1,720	0	104,791	106,512	99,081	46,625	-71,066	43,372	97,480
2	22,574	118,764	17,815	2,869	162,021	140,202	2,194	0	106,887	109,081	94,391	52,940	-18,126	45,811	92,493
3	28,985	121,139	36,342	3,511	189,977	152,924	2,685	0	90,854	93,539	75,295	96,438	78,311	77,629	73,134
4	35,165	123,562	37,069	4,178	199,973	149,740	3,195	0	92,671	95,866	71,785	104,107	182,418	77,955	69,392
5	42,284	126,033	69,318	4,749	242,383	168,834	3,631	0	63,016	66,648	46,424	175,736	358,153	122,410	43,895
6	47,537	128,553	70,704	5,341	252,135	163,374	4,084	0	64,277	68,361	44,295	183,775	541,928	119,079	41,649
7	51,859	131,125	91,787	5,827	280,598	169,132	4,456	0	45,894	50,350	30,349	230,249	772,177	138,783	27,663
8	56,667	133,747	93,623	6,332	290,369	162,810	4,842	0	46,811	51,653	28,962	238,716	1,010,892	133,848	26,247
9	58,977	136,422	109,138	6,590	311,126	162,278	5,039	0	34,105	39,145	20,417	271,981	1,282,874	141,861	17,789
10	60,156	139,150	111,320	6,722	317,349	153,976	5,140	0	34,788	39,928	19,373	277,421	1,560,294	134,603	16,879
Total	\$439,943	\$1,274,929	\$654,580	\$48,368	\$2,417,820	\$1,584,475	\$36,987	\$136,444	\$684,095	\$857,526	\$666,816	\$1,560,294	\$1,560,294	\$917,660	\$643,064



* 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:

Piper-Kansas City USD 203

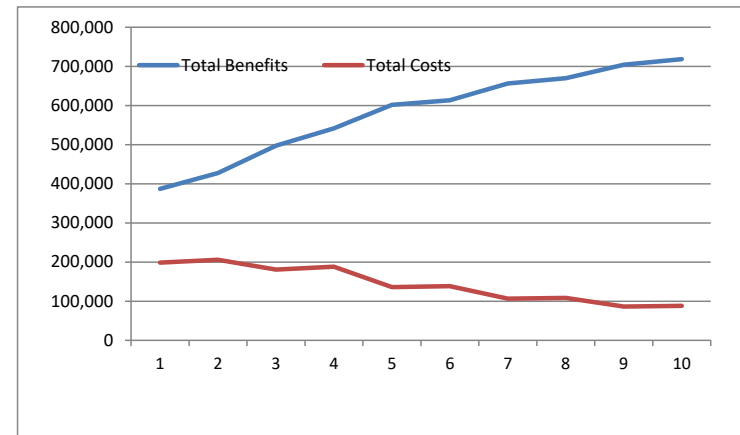
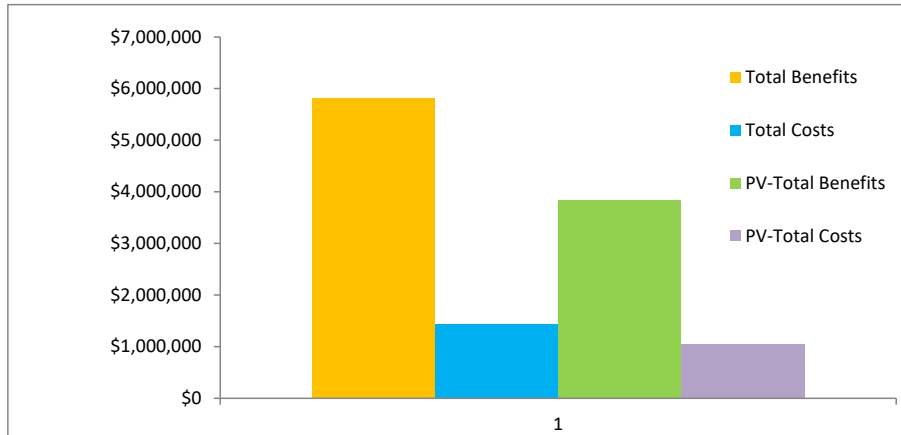
PROJECT: Marshalltown Co. (W/O LMW)

DATE: 7/9/2024

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 4.05
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 3.67
 (Typical desired ratio would be 1.3 to 1) **Average ROI** 30.50%

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	206,794	27,274	24,964	127,978	387,011	360,010	12,546	186,115	198,661	184,801	188,350	188,350	175,209	173,130
2	210,930	27,820	25,463	163,173	427,385	369,831	15,997	189,837	205,833	178,114	221,552	409,902	191,716	164,272
3	215,148	56,753	25,972	199,723	497,597	400,546	19,580	161,361	180,941	145,650	316,656	726,558	254,895	129,889
4	219,451	57,888	26,492	237,671	541,502	405,477	23,300	164,589	187,888	140,691	353,613	1,080,171	264,786	123,244
5	223,840	108,250	27,022	242,424	601,536	419,005	23,766	111,920	135,686	94,513	465,850	1,546,021	324,492	77,959
6	228,317	110,415	27,562	247,272	613,567	397,568	24,241	114,159	138,400	89,678	475,167	2,021,188	307,890	73,970
7	232,884	143,339	28,113	252,218	656,554	395,741	24,726	81,509	106,235	64,034	550,319	2,571,507	331,707	49,130
8	237,541	146,206	28,676	257,262	669,685	375,494	25,221	83,139	108,360	60,758	561,325	3,132,832	314,736	46,616
9	242,292	170,435	29,249	262,408	704,383	367,395	25,725	60,573	86,298	45,012	618,085	3,750,917	322,383	31,594
10	247,138	173,843	29,834	267,656	718,471	348,598	26,239	61,784	88,024	42,709	630,447	4,381,364	305,889	29,977
Total	\$2,264,336	\$1,022,224	\$273,347	\$2,257,785	\$5,817,691	\$3,839,664	\$221,341	\$1,214,986	\$1,436,327	\$1,045,960	\$4,381,364	\$4,381,364	\$2,793,704	\$899,783



SUMMARY OF COSTS AND BENEFITS FOR:

KC Community College

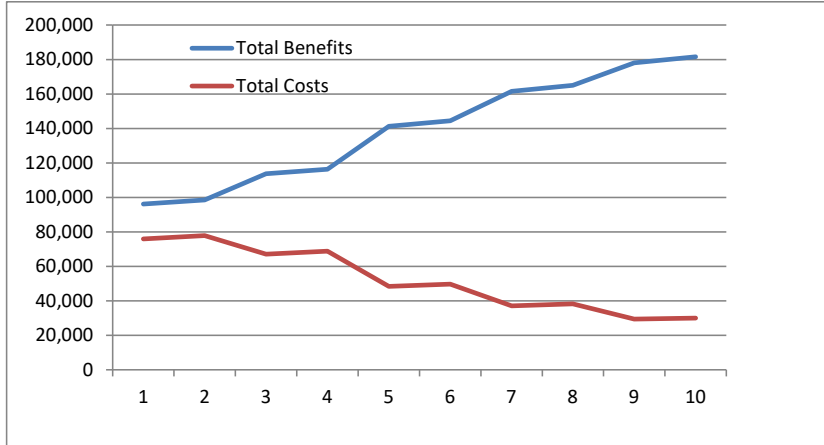
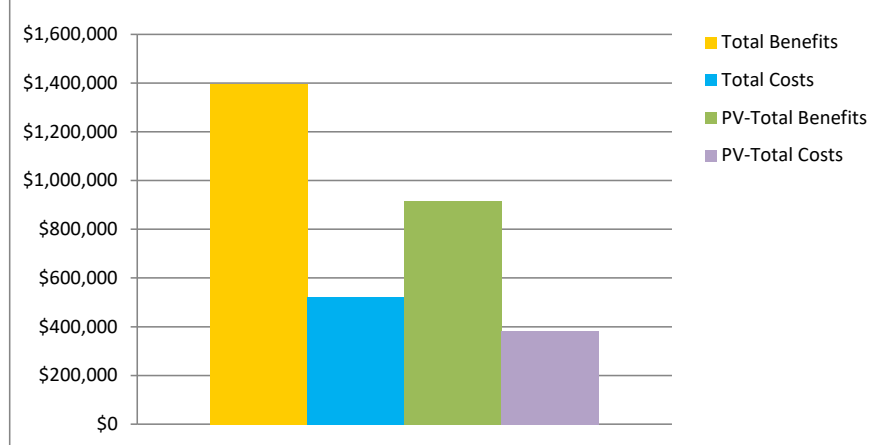
PROJECT: Marshalltown Co. (W/O LMW)

DATE: 7/9/2024

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:	2.67
Ratio of Present Value of Total Benefits to Present Value of Total Costs:	2.39
(Typical desired ratio would be 1.3 to 1)	Average ROI 16.73%

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	82,271	12,341	1,537	96,148	89,440	1,816	74,044	75,859	70,567	20,288	20,288	18,873	68,878
2	83,916	12,587	1,959	98,463	85,203	2,315	75,524	77,840	67,357	20,623	40,912	17,846	65,354
3	85,594	25,678	2,398	113,671	91,501	2,834	64,196	67,030	53,956	46,641	87,553	37,544	51,675
4	87,306	26,192	2,854	116,352	87,124	3,372	65,480	68,852	51,556	47,500	135,053	35,568	49,031
5	89,052	48,979	3,244	141,275	98,406	3,833	44,526	48,359	33,685	92,916	227,969	64,721	31,015
6	90,833	49,958	3,648	144,439	93,591	4,310	45,417	49,727	32,221	94,712	322,681	61,370	29,428
7	92,650	64,855	3,980	161,485	97,336	4,703	32,428	37,131	22,381	124,354	447,035	74,955	19,546
8	94,503	66,152	4,325	164,980	92,505	5,110	33,076	38,186	21,411	126,794	573,829	71,093	18,546
9	96,393	77,115	4,501	178,009	92,846	5,319	24,098	29,417	15,343	148,592	722,421	77,503	12,569
10	98,321	78,657	4,591	181,569	88,096	5,425	24,580	30,005	14,558	151,563	873,984	73,538	11,926
Total	\$900,840	\$462,514	\$33,037	\$1,396,390	\$916,048	\$39,038	\$483,368	\$522,406	\$383,036	\$873,984	\$873,984	\$533,012	\$357,968



SUMMARY OF COSTS AND BENEFITS FOR:

WY Co Library

PROJECT: Marshalltown Co. (W/O LMW)

DATE: 7/9/2024

DISCOUNT RATE: 7.50%

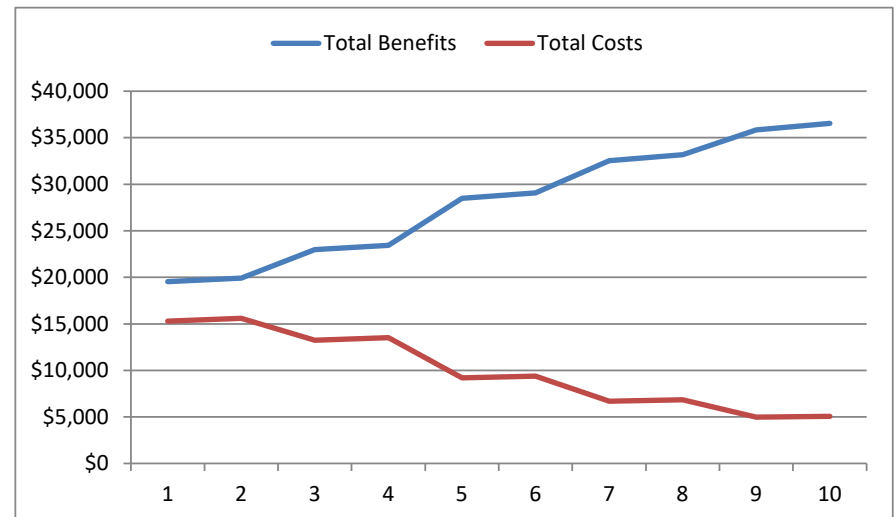
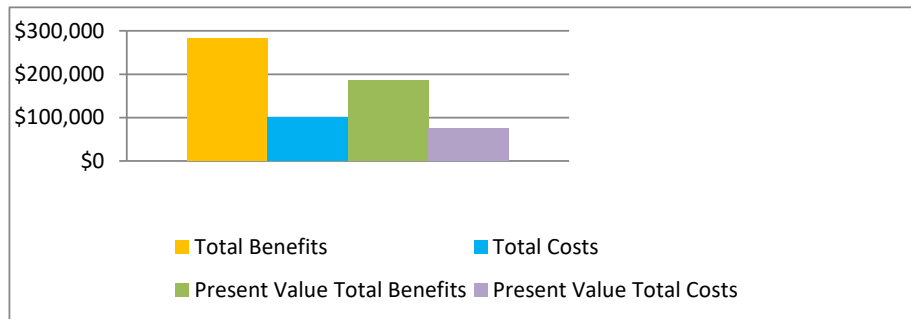
Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.82

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.50

(Typical desired ratio would be 1.3 to 1)

Average ROI 12.14%

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	\$16,987	\$2,548	\$0	\$19,535	\$18,172	\$0	\$15,288	\$15,288	\$14,221	\$4,247	\$4,247	\$3,950	\$14,221
2	\$17,326	\$2,599	\$0	\$19,925	\$17,242	\$0	\$15,594	\$15,594	\$13,494	\$4,332	\$8,578	\$3,748	\$13,494
3	\$17,673	\$5,302	\$0	\$22,975	\$18,494	\$0	\$13,255	\$13,255	\$10,670	\$9,720	\$18,298	\$7,824	\$10,670
4	\$18,026	\$5,408	\$0	\$23,434	\$17,548	\$0	\$13,520	\$13,520	\$10,124	\$9,915	\$28,213	\$7,424	\$10,124
5	\$18,387	\$10,113	\$0	\$28,500	\$19,852	\$0	\$9,193	\$9,193	\$6,404	\$19,306	\$47,519	\$13,448	\$6,404
6	\$18,755	\$10,315	\$0	\$29,070	\$18,836	\$0	\$9,377	\$9,377	\$6,076	\$19,692	\$67,212	\$12,760	\$6,076
7	\$19,130	\$13,391	\$0	\$32,521	\$19,602	\$0	\$6,695	\$6,695	\$4,036	\$25,825	\$93,037	\$15,566	\$4,036
8	\$19,512	\$13,659	\$0	\$33,171	\$18,599	\$0	\$6,829	\$6,829	\$3,829	\$26,342	\$119,379	\$14,770	\$3,829
9	\$19,903	\$15,922	\$0	\$35,825	\$18,686	\$0	\$4,976	\$4,976	\$2,595	\$30,849	\$150,228	\$16,090	\$2,595
10	\$20,301	\$16,241	\$0	\$36,541	\$17,730	\$0	\$5,075	\$5,075	\$2,462	\$31,466	\$181,694	\$15,267	\$2,462
Total	\$186,000	\$95,497	\$0	\$281,497	\$184,760	\$0	\$99,803	\$99,803	\$73,911	\$181,694	\$181,694	\$110,849	\$73,911



SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Marshalltown Co.

(W/O LMW)

State of Kansas

DATE: 7/9/2024

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:

3.63

Ratio of Present Value of Total Benefits to Present Value of Total Costs:

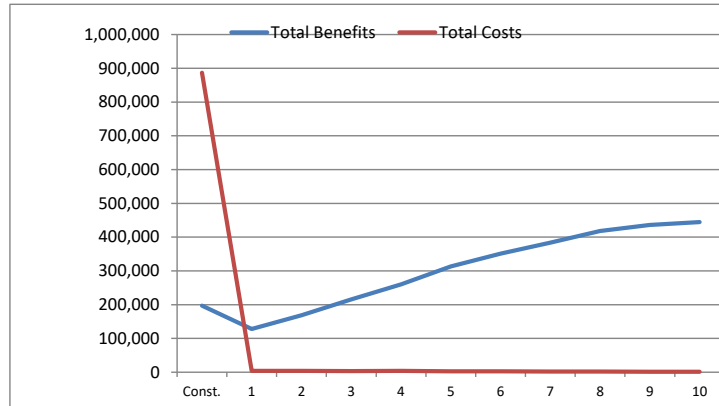
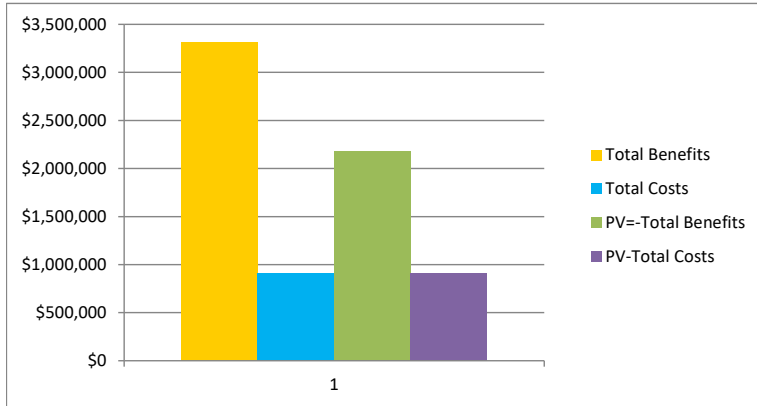
2.41

(Typical desired ratio would be 1.3 to 1)

Average ROI

26.27%

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.	121,895	\$0	75,000	0	0	196,895	196,895	0	\$0	\$0	\$886,886	886,886	886,886	-689,992	-689,992	-689,992	886,886
1	82,450	\$4,681	40,186	702	0	128,018	119,087	0	0	\$4,213	0	4,213	3,919	123,805	-566,186	115,168	3,919
2	109,496	\$4,774	53,508	716	0	168,495	145,804	0	0	\$4,297	0	4,297	3,718	164,198	-401,988	142,086	3,718
3	140,530	\$4,870	68,796	1,461	0	215,657	173,596	0	0	\$3,652	0	3,652	2,940	212,005	-189,984	170,656	2,940
4	170,444	\$4,967	83,531	1,490	0	260,433	195,012	0	0	\$3,725	0	3,725	2,790	256,707	66,724	192,222	2,790
5	204,904	\$5,067	100,508	2,787	0	313,265	218,208	0	0	\$2,533	0	2,533	1,765	310,732	377,456	216,443	1,765
6	230,334	\$5,168	113,032	2,842	0	351,377	227,679	0	0	\$2,584	0	2,584	1,674	348,793	726,249	226,004	1,674
7	251,260	\$5,271	123,337	3,690	0	383,558	231,191	0	0	\$1,845	0	1,845	1,112	381,713	1,107,961	230,079	1,112
8	274,534	\$5,377	134,799	3,764	0	418,474	234,639	0	0	\$1,882	0	1,882	1,055	416,592	1,524,553	233,584	1,055
9	285,718	\$5,484	140,301	4,387	0	435,890	227,353	0	0	\$1,371	0	1,371	715	434,519	1,959,072	226,638	715
10	291,432	\$5,594	143,107	4,475	0	444,608	215,721	0	0	\$1,398	0	1,398	679	443,210	2,402,282	215,043	679
Total	\$2,162,997	\$51,253	\$1,076,105	\$26,314	\$0	\$3,316,669	\$2,185,184	\$0	\$0	\$27,501	\$886,886	\$914,387	\$907,252	\$2,402,282	\$2,402,282	\$1,277,931	\$907,252



* 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.

Marshalltown Co. (W/O LMW)**Other Economic Impacts of the Project**

	In the First Year	Over 10 Years
Permanent jobs created	40	100
Construction jobs created	86	0
Number of New Residents in the Community	22	54
Number of Additional Students in the Local School District	8	14
Increase in Local Personal Incomes	\$1,913,600	\$47,671,662
Increase in Local Retail Sales	\$15,896,747	\$46,035,067
Increase in the Community's Property Tax Base	\$12,481,904	\$14,917,031
Estimated Property Tax Revenue after the abatement period ends:		
	City	\$146,294
	County	\$141,933
	School	\$282,511
	Comm. Coll.	\$100,287
	Co. Library	\$20,707
	State	\$5,706
	Total	\$697,438

Marshalltown Co. (W/O 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	Incentives	ALL INDIRECT COSTS		
City of Kansas City	715,911	674,691	1,314,098			694,831	3,399,532	15,328	3,414,859	705,112	208,553	49,882	963,547	2,451,312
Wyandotte County	439,943	654,580	1,274,929				2,369,452	48,368	2,417,820	684,095	136,444	36,987	857,526	1,560,294
Piper-Kansas City USD 203		1,022,224	2,537,683	2,257,785			5,817,691		5,817,691	1,214,986	221,341	0	1,436,327	4,381,364
KC Community College		462,514	900,840				1,363,353	33,037	1,396,390	483,368	0	39,038	522,406	873,984
WY Co Library		95,497	186,000				281,497	0	281,497	99,803	0	0	99,803	181,694
State of Kansas	2,162,997	26,314	51,253	0	1,076,105		3,316,669	0	3,316,669	27,501	886,886	0	914,387	2,402,282
TOTALS	\$3,318,850	\$2,935,820	\$6,264,802	\$2,257,785	\$1,076,105	\$694,831	\$16,548,194	\$96,733	\$16,644,926	\$3,214,866	\$1,453,223	\$125,907	\$4,793,996	\$11,850,931



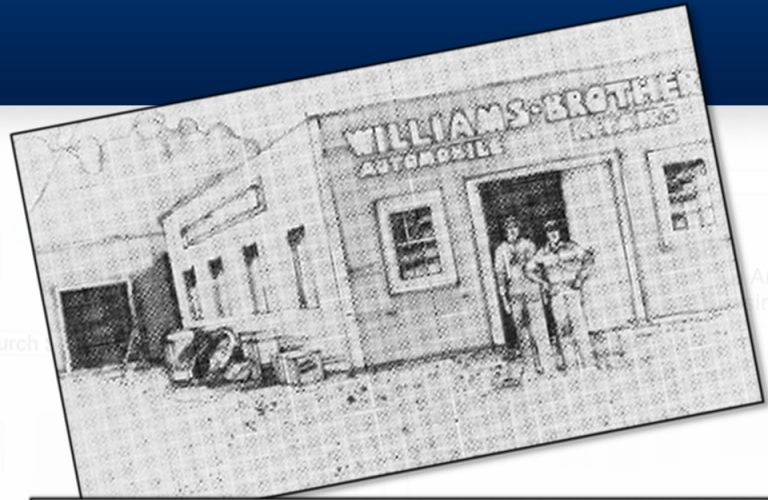
134 YEARS...AND GROWING



COMPANY OVERVIEW

- ▶ Years of successful manufacturing, marketing, sales and innovation of high-quality tools for professional and do-it-yourselfers
 - ▶ Privately-held company with over 600 full-time employees
- ▶ Facilities in Marshalltown, Iowa and Fayetteville, Arkansas that demonstrate Highly automated and innovative manufacturing and shipping capabilities
- ▶ Over 9,000 products for asphalt, brick, stone, concrete, paint, drywall, plaster, stucco, tiling/flooring, carpet, Snow removal, and related construction and home improvement applications
 - ▶ Worldwide brand recognition and a network of distributors and dealers
- ▶ Passionate and experienced management team with a vision of continued future growth

FAMILY OWNED



In 1890, Jesse and Lester Williams started a small machine shop repairing bicycles and automobiles, and making tools for local contractors. A local plasterer asked them to customize some tools and was pleased with the result. More requests for their tools trickled in, so the brothers made a batch of trowels and put them on the market. Their small shop quickly grew into a manufacturing and mail order business, and the Williams brothers began specializing in trowels. They built a shop on South 8th Avenue in Marshalltown, Iowa, and incorporated the name "Marshalltown Trowel Company" in 1905 with salesman Albert Higgin.

MARSHALLTOWN continued to grow. Demand exceeded the company's production capabilities, and after much discussion and deliberation, it built a new manufacturing facility in Fayetteville, Arkansas in 1981. MARSHALLTOWN has continued expanding its operations at both locations.

In 2003, with a catalog of over 5,000 products for professionals and do-it-yourselfers, Marshalltown Trowel changed its name because it was more than just a "Trowel" supplier. To its customers and others in the industry, the company is known for the best tools and it is known by one name — MARSHALLTOWN.

Today, MARSHALLTOWN is one of the largest tool manufacturers in its industries. Despite its growth and innovation, the company has stayed true to its roots. It still manufactures tools with superior quality and it still uses honesty and square dealing. However, staying true to its roots does not mean it hasn't changed — the company continues making major improvements to its infrastructure and manufacturing and distribution processes to ensure that it can continue to serve its customers well into the future.

MARSHALLTOWN is still family owned and headquartered at the same location on South 8th Avenue in Marshalltown, Iowa.



GROWTH & EXPANSION



MARSHALLTOWN's first step into the painting industry
Integrating a full line of putty knives, scrapers, strippers, glass cutters, and paper hanging items



Broadening MARSHALLTOWN's concrete, asphalt, and seal-coating tools
Gilson concrete and mortar mixers, a broad range of long handled tools including shovels and asphalt tools



Growing MARSHALLTOWN's cast-iron products for the brick, concrete, drywall, and tiling trades
Cast iron products such as groovers and tampers for concrete work, along with products for the brick, drywall, and tiling trades



Premium, professional-quality mortar boards & pans
Unique construction is lightweight and increases mortar workability by as much as 30 minutes



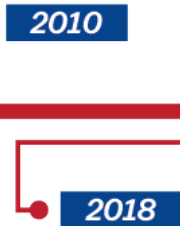
Professional Masonry Tools
MARSHALLTOWN's entrance into masonry tools customization



The Precision Tool Company
Industry-leading manufacturer of quality, professional tiling tools



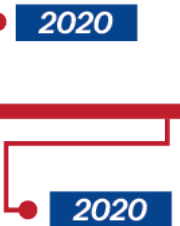
MARSHALLTOWN purchased the concrete line to include brackets and angle adapters
Adding the Rock-It™ adjustable bull float brackets and Mini Rock-It™ adjustable angle adapters



World's first lightweight power roller screed
Produces flatter, more durable concrete with less effort, time, and labor



Known for industry-leading flooring shears, siding shears, and insulation cutters
Makes precision cuts without dust, noise, or electricity



Specializes in quick, safe roof snow removal
Innovative design saves time, prevents roof damage, and improves user safety



Industry-leading manufacturer of striking tools for more than 150 years
Known for superior hand tools, including hammers, pry bars, chisels, and punches

MARSHALLTOWN - PROJECT SUPERIOR



- State-of-the-art warehouse and distribution center
- 207,000 sq. ft. facility in the 435 Logistics Center
- Potential to expand on-site





Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	SueZanne Bishop, Assistant Counsel David Johnston, County Administrator zbishop@wycokck.org, djohnston@wycokck.org x5076, x5027	Administrator's Office
AGENDA ITEM #XIII.1.		
ORDINANCE/RESOLUTION: ARPA ALLOCATIONS 2024		
BACKGROUND		
Approval of an ordinance and resolution for the reallocation of American Rescue Plan Act funds for qualified uses.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
ARPA allocations Reso 2024, Ordinance and Resolution Ex A		

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

ORDINANCE NO. _____

RESOLUTION NO. _____

**AN ORDINANCE AND RESOLUTION FOR THE REALLOCATION OF
AMERICAN RESCUE PLAN ACT FUNDS FOR QUALIFIED USES**

WHEREAS, the American Rescue Plan Act (ARPA) was signed into law by President Biden on March 11 , 2021, (Public Law 11 7-2) , and was codified at 42 U.S.C. § 802 et seq.; and

WHEREAS, ARPA established the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund, which were together intended to provide support to State, local , and Tribal governments in responding to the impact of COVID–19 and in their efforts to contain COVID–19 on their communities, residents, and businesses; and

WHEREAS, the Recovery Funds are intended to build on and expand the support provided to these governments over the last year, including through the Coronavirus Relief Fund (CRF), which was established by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 11 6 - 136, 134 Stat. 281 (2020); and

WHEREAS, ARPA – which, among other things, adds sections 602 and 603 to the Social Security Act – generally provides that the Recovery Funds may be used:

a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

b) To respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers;

c) For the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and

d) To make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, the Supplementary Information accompanying the federal Department of the Treasury's Interim Final Rule (3 1 C FR Part 35) states that "these resources lay the foundation for a strong, equitable economic recovery, not only by providing immediate economic stabilization for households and businesses,

but also by addressing the systemic public health and economic challenges that may have contributed to more severe impacts of the pandemic among low-income communities and people of color." (86 FR 2678 6, at 26788); and

WHEREAS, Ordinance 0-115-21 and Resolution R-58-21 approved the acceptance on behalf of the City of Kansas City, Kansas of Fifty-Five Million Three Hundred Eighty-Three Thousand Eight Hundred Seventy-Two Dollars (\$55,383,872) from the Coronavirus Local Fiscal Recovery Fund; and approved the acceptance on behalf of Wyandotte County, Kansas of Thirty-Two Million One Hundred Thirty-Two Thousand Six Hundred Forty-Four Dollars (\$32,132,644) from the Coronavirus Local Fiscal Recovery Fund; and

WHEREAS, Section II.C of the Supplementary Information accompanying the federal Department of the Treasury's Interim Rule (31 CFR Part 35) provided in part that, for purposes of measuring revenue growth from the pre-pandemic period recipient Kansas City, Kansas would utilize the calculated rate of 4.1% and recipient Wyandotte County, Kansas would utilize the calculated rate of 6.2%; and

WHEREAS, Ordinance 0-115-21 and Resolution R-58-21 dated August 26, 2021 approved that of the Kansas City, Kansas total allocation, Eighteen Million Seven Hundred Eighty Thousand Four Hundred Seventy Dollars (\$18,780,470) be used to replace estimated revenue lost due to COVID–19 during 2020, and an estimated Twelve Million Three Hundred Four Thousand Seven Hundred Seventy-Four Dollars (\$12,304,774) be used to replace revenue lost due to COVID–19 during 2021, for a total revenue replacement allocation over the two year period of Thirty One Million Eighty-Five Thousand Two Hundred Forty-Four Dollars (\$31,085,244); and

WHEREAS, Ordinance 0-115-21 and Resolution R-58-21 dated August 26, 2021 approved that of the Wyandotte County, Kansas total allocation, Six Million Six Hundred Fifty Thousand Eight Hundred Eighty Dollars (\$6,650,880) be used to replace estimated revenue lost due to COVID–19 during 2020, and an estimated Four Million Three Hundred Seventy Thousand Ninety-Five Dollars (\$4,370,095) be used to replace revenue lost due to COVID–19 during 2021, for a total revenue replacement allocation over the two year period of Eleven Million Twenty Thousand Nine Hundred Seventy-Five Dollars (\$11,020,975); and

WHEREAS, Ordinance 0-115-21 and Resolution R-58-21 dated August 26, 2021 approved in its Exhibit B entitled "ARPA Immediate Needs Report" the adopted total allocated funds not from revenue replacement funding was One Million Five Hundred Sixteen Thousand Six Hundred Thirty-Four Dollars (\$1,516,634) for Kansas City, Kansas and Eight Million Two Hundred Ninety-Eight Thousand Three Hundred Forty-Two Dollars (\$8,298,342) for Wyandotte County; and

WHEREAS, Ordinance 0-115-21 and Resolution R-59-21 dated August 26, 2021 approved that of the Wyandotte County, Kansas total allocation, One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000) be allocated to address and prevent housing insecurities and negative economic impacts associated with homelessness and other related human services in Wyandotte County through January of 2022; and

WHEREAS, although Ordinance 0-115-21 and Resolution R-72-21 dated September 30, 2021 approved an ARPA allocation of One Million Dollars (\$1,000,000) to fund the COVID–19 Mitigation Plan for Unified Government staff, Ordinance 0-20-22 and Resolution R-8-22 dated February 10, 2022 approved that these same funds be redirected with Six Hundred Sixty Thousand Dollars (\$660,000) from the Kansas City, Kansas allocation and Three Hundred Forty Thousand Dollars (\$340,000) from the Wyandotte County allocation; and

WHEREAS, Ordinance 0-20-22 and Resolution R-8-22 dated February 10, 2022 approved that of the Wyandotte County, Kansas total allocation, Three Million Four Hundred Thirty-Five Thousand Nine Hundred Thirty-Four Dollars (\$3,435,934) be allocated for eligible uses of the Local Fiscal Recovery Fund as part of the American Rescue Plan Act for the Public Health Department for Additional Needs; and

WHEREAS, the Unified Government Board of Commissioners originally directed that \$75,000 authorized by 0-115-21 and Resolution R-58-21 dated August 26, 2021 to fund the COVID–19 Immediate Needs and \$75,000 authorized by Ordinance 0-20-22 and Resolution R-8- 22 dated February 10, 2022 to fund the Unified Government's Public Health Department Additional Needs for the Municipal Court Fees and Fines Waiver Program be funded from the Wyandotte County allocation, however, through Ordinance 0-75-22 and Resolution R-23-22 dated May 26, 2022 the Commission re-allocated those funds and directed that the Municipal Court Fees and Fines Waiver Program be paid from the Kansas City, Kansas allocation; and

WHEREAS, Ordinance 0-75-22 and Resolution R-23.22 dated May 26, 2022 approved that of the Kansas City, Kansas total allocation Seventeen Million Four Hundred Seventy-Four Thousand Five Hundred Twenty-Eight Dollars (\$17,474,528) be allocated for eligible uses of the Local Fiscal Recovery Fund as part of the American Rescue Plan Act for Capital and Other Needs; and

WHEREAS, Ordinance 0-75-22 and Resolution R-23.22 dated May 26, 2022 approved that of the Wyandotte County, Kansas total allocation Six Million Three Hundred Seventy-Eight Thousand Three Hundred Eight Dollars (\$6,378,308) be allocated for eligible uses of the Local Fiscal Recovery Fund as part of the American Rescue Plan Act for Capital and Other Needs; and

WHEREAS, Ordinance 106-22 and Resolution 41-22 dated July 28, 2022 approved certain downward adjustments to the revenue replacement calculations for Kansas City, Kansas and Wyandotte County based on the guidance accompanying the federal Department of the Treasury's Interim Final Rule (at 31-CFR Part 35), as well as an adjustment recommended by the external auditor and on actual revenues for the affected years; and

WHEREAS, ARPA requires that all funds be encumbered or under contract no later than December 31, 2024; and

WHEREAS, current analysis of the ARPA programs indicates that a total of Six Million Six Hundred Fourteen Thousand Two-Hundred Sixty dollars (\$6,614,260.00) in ARPA funding has not yet been used and is available for reallocation for qualified uses; and

WHEREAS, analysis further indicates the Two Million One Hundred Eighty-Nine Thousand dollars (\$2,189,000.00) originally set aside for grant match has not been used and is available for reallocation; and

WHEREAS, the Unified Government Administrator has submitted a memo to the Board of Commissioners detailing his plans for reallocation of the unused funds, attached hereto as **Exhibit A** and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS:

Section 1. The Unified Government Board of Commissioners hereby approves the reallocation of unused ARPA funds as submitted by the County Administrator and detailed in Exhibit A.

Section 2. Further Action. The County Administrator and other officers, agents, and employees of the Unified Government are hereby authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Ordinance and Resolution.

Section 3. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS THIS ____ DAY OF AUGUST, 2024.

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:



County Administrator's Office

David W. Johnston, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

TO: Mayor Garner and Members of the Unified Government Commission

FROM: David W. Johnston, County Administrator

DATE: August 26, 2024

SUBJECT: Reallocation of ARPA Funds

The Unified Government received a total of \$87,516,516 in ARPA funds, of which \$55,383,872 was awarded to City of Kansas City, Kansas and \$32,132,644 was awarded to Wyandotte County, Kansas. The ARPA program requires that all funds be encumbered or under contract no later than December 31, 2024.

GENERAL ARPA FUNDING CATEGORIES

Of that amount, \$75,334,867 was allocated to a variety of categories including Revenue Replacement (funds used to support the general government post COVID in 2020 and 2021), Immediate Needs Housing, Immediate Needs Public Health, Administration of ARPA funds, and Capital Projects (including funds for Edwardsville and Bonner Springs). Of these funds, \$36,341,868 been spent and an additional \$6,432,780 encumbered.

Based on an analysis of the ARPA programs, a total of \$6,614,260 will not be used and is available for reallocation for qualified uses. Additionally, a total of \$2,189,000 originally set aside for grant match has not been used. The balance of the funding will be spent or encumbered by the end of 2024 as required by the federal regulations.

REALLOCATION PLAN

To ensure all ARPA funds are utilized by the Unified Government, the following is the list of recommended projects for the reallocation of available:

Reallocation Available	6,614,260
Grant Match Reallocation	2,189,000
	\$ 8,803,260

Health Department TB Outbreak	1,055,320
Heath Department Car Seat Program	50,000
Spanish Speaking Health Navigator	100,000
Heathwood Spray Park	500,000

Boston Daniels Park Improvements	711,165
Eisenhower Community Center HVAC	250,000
Transit Shelters (30) in Qualified Census Tracts	1,500,000
Transit Bus Replacements (2)	360,000
Willa Gill Land and Design	2,000,000
Vernon School Capital Improvements	500,000
Police Modular Building for Animal Control	113,285
Police UTV for Downtown Patrol	36,000
Sheriff Jail Kitchen Equipment	200,000
County General Fund Balance (Jail & Dispatch Contingency)	1,000,000
Grant Match for UG Grant Applications	427,490 ⁽¹⁾
	\$ 8,803,260

Working with I-Parametrics, the consultant assisting with ARPA monitoring, the above are eligible for ARPA funding as “straight ARPA” or designation as revenue replacement.

SUBRECIPIENT FUNDING

The Commission allocated a total of \$12,181,639 to twenty (20) subrecipients through a competitive application process. Over the past several months, the consultant has been working closely with these subrecipients to ensure that they will be able to spend the funds within an agreed upon timeframes. A total of \$8,233,611 has been spent to date and nine (9) agencies have completed their work. One agency has indicated they will use all their funding except for \$57,687.50 ⁽¹⁾. For all other subrecipients, there is a plan in place to spend down the funds by an agreed upon date outlined in their contracts, no later than December 2026 per APRA regulations.

For the subrecipient funding available to be reallocated \$57,687.50, it is recommended that this be added to the grant match pool noted above for a revised total of \$485,177.50 ⁽¹⁾ available for grant match for the Unified Government to use to match future grant applications as needed. ⁽¹⁾

Please let me know if you have any questions.

Grant Match ⁽¹⁾

Grant Match Pool is available for matching grants that are applied for by the Unified Government and require a local match. This funding may be used for the matching local funds.

⁽¹⁾ Current available grant match =	\$2,189,000
Reallocated grant match per memo =	<u>(\$1,716,510)</u>
Remaining grant match =	\$427,490
Additional subrecipient excess funds	\$57,687.50
Revised Total grant match	\$485,177.50



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		
BACKGROUND		
The following option application(s) was presented at the 07/29/2024 meeting: Please visit the new site to review the applications below https://gisapp.wycokck.org/Landbank.html 6 Single Family Homes 27 Multi-Family Units 1 Commercial <i>On July 29, 2024, the Neighborhood & Community Development Standing Committee, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
FC Memo Land Bank Options 08.29.24		

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
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M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: August 26, 2024
SUBJECT: Option applications for consideration

The following **option application(s)** was presented at the 07/29/2024 meeting:

Please visit the new site to review the applications below

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

A. Single Family Homes – 6 Homes

1. Ryan Barr – 2 homes
 - i. 1211 Barnett Ave – 080967
 - ii. 1209 Barnett Ave - 080966
 - iii. 1205 Barnett Ave – 080965
2. Pillar KC LLC – 1 home
 - i. 6737 Speaker Rd – 018617
3. Jeremy Werden – 1 home
 - i. 722 N 62nd Pl – 014318
4. Chris Shaw – 1 home
 - i. 129 S 16th St – 066328
5. Phillip Scott – 1 home
 - i. 1225 N 62nd St – 921605
 - ii. 6141 Everett Ave - 004621
 - iii. 6151 Everett Ave – 004624

B. Multi Family – 27 units

1. Michaela Hysten - 2 Units
 - i. 349 Richmond Ave – 081571
 - ii. 347 Richmond Ave – 081570
2. Mosaic Construction – 24 units
 - i. 1915 N 10th St – 095702
 - ii. 1909 N 10th St – 095703
 - iii. 936 Troup Ave – 154089
 - iv. 941 Parallel Pkwy – 154087
 - v. 939 Parallel Pkwy – 154086

- vi. 937 Parallel Pkwy – 154085
- vii. 928 Troup Ave – 154094
- viii. 920 Troup Ave – 154092
- 4. Zerryn Gines – 4 units
 - i. 740 Parallel Ave – 111560
 - ii. 734 Parallel Ave - 111561

C. Commercial – 1

- 1. Mahmood Akbar – strip mall
 - i. 2511 Metropolitan Ave – 207004



Report to Full Commission

Tracking ID: 21249

MEETING DATE	PRESENTER	DEPARTMENT
	Jud Knapp, Acting Land Bank Manager jknapp@wycokck.org x5472	Land Bank Approvals
AGENDA ITEM #XV.2.		
LAND BANK PROPERTY TRANSFERS		
BACKGROUND		
The following property transfers application(s) was presented at the 07/29/24 standing committee meeting: Please visit the new site to review the applications below. https://gisapp.wycokck.org/Landbank.html		
PT – Property Transfers		
1. UG to Land Bank – 5		
i. 1923 N 10 th St – 095707		
ii. 1921 N 10 th St – 095701		
iii. 943 Parallel Pkwy – 154088		
iv. 932 Troup Ave – 154090		
v. 930 Troup Ave – 154091		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
FC Memo Land Bank Property Transfers 8.29.24		

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

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M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: August 23, 2024
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** was presented at the 07/29/24 standing committee meeting:

Please visit the new site to review the applications below
<https://gisapp.wycokck.org/Landbank.html>

PT – Property Transfers

1. UG to Land Bank – 5
 - i. 1923 N 10th St – 095707
 - ii. 1921 N 10th St – 095701
 - iii. 943 Parallel Pkwy – 154088
 - iv. 932 Troup Ave – 154090
 - v. 930 Troup Ave – 154091

Transferring UG property to the Land Bank for the Mosaic Construction multi family project at 10th and Parallel

